



AGENDA

REGULAR MEETING

* * *

TRAILS AND LANDSCAPING COMMITTEE

MONDAY, MAY 14, 2007

7:00 p.m.

*Meeting Room, Clayton Community Library
6125 Clayton Road, Clayton, CA*

COMMITTEE MEMBERS

Candace Bass	JoAnn Caspar
David Disend	Victor Geisler – Vice Chair
David Johnson	Jerry Kosel
Kelly Marshall	Debbie Mullins
Linda Pinder	Dan Richardson - Chair
Virginia Siegel	Janise Trezise
Bill Vineyard	Memory Woodard
Jerry Zimmerman	

Vice Mayor Gregg Manning (Ex-Officio)

- A complete packet of information containing staff reports and exhibits related to each item is available for public review in City Hall located at 6000 Heritage Trail on Monday prior to the Committee meeting.
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at www.ci.clayton.ca.us
- If you have a physical impairment that requires special accommodations to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at (925) 673-7304.

*** TRAILS AND LANDSCAPING COMMITTEE ***

MAY 14, 2007

1. **CALL TO ORDER & ROLL CALL** – Chairman Richardson.

2. **CONSENT CALENDAR**

Consent Calendar items are typically routine in nature and are considered for approval by the Committee with one single motion. Members of the Committee, Audience, or Staff wishing an item removed from the Consent Calendar for purpose of public comment, question or input may request so through the Chair.

- (a) Approval of Action Minutes from the Committee meeting of January 10, 2007.

3. **PUBLIC COMMENTS**

Citizens may address the Committee on items within the Committee's jurisdiction, (which are not on the agenda) by completing a speaker card and forwarding it to the Chair. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Chair's discretion. When one's name is called by the Chair, the speaker shall advance to the public podium and adhere to the time limit. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Committee may respond to statements made or questions asked, or may request Staff to report back at a future meeting concerning the matter.

Public comment and input on Public Hearing, Action Items and other Agenda Items will be allowed when each item is considered by the Committee.

4. **ACTION ITEMS**

- (a) Review of the Citywide Landscape Maintenance District's projected financial position as of 30 June 2007 (budget status).
 - (b) Discussion of expenditure priorities and strategic plan for the District's operations and existence should the June 2007 ballot measure fail or pass (Measure B).
 - (c) Discuss Committee Member Johnson's suggestion for the District's purchase of a chipper for greater efficiencies on disposal of trimmings and to create bark/mulch for the landscape medians.

5. **CORRESPONDENCE** – review of incoming and outgoing correspondence.

6. **COMMITTEE ITEMS** – limited to requests and directives for future meetings.

- (a) Assignment for Committee Reports to the City Council at its May 15, 2007 meeting, and to the Clayton Business & Community Association at its Thursday, May 24, 2007 meeting.

7. **ADJOURNMENT** – The Committee's next regularly-scheduled meeting is Monday, June 11, 2007.

ACTION MINUTES
OF THE
REGULAR MEETING
TRAILS AND LANDSCAPING COMMITTEE

Agenda Date: 05-14-07

Agenda Item: 2 (a)

JANUARY 10, 2007

1. COMMITTEE CALL TO ORDER & ROLL CALL

The meeting was called to order at 7:06 p.m. by Chairman Dan Richardson in the Library Community Room, 6125 Clayton Road, Clayton, CA.

Committee Members present: Candace Bass, JoAnn Caspar, Victor Geisler, Jerry Kosel, Kelly Marshall, Debbie Mullins, Linda Pinder, Dan Richardson, Virginia Siegel, Janise Trezise Bill Vineyard, Jerry Zimmerman, and. Vice Mayor Gregg Manning (ex-officio Member).

Committee Members absent: David Johnson and Memory Woodard.

Staff present: City Manager Gary Napper, Assistant to the City Manager Laura Hoffmeister, and Maintenance Supervisor Mark Janney.

2. CONSENT CALENDAR

(a) *Approval of Action Minutes for the regular Committee meeting of November 27, 2006.*

(b) *Approval of Action Minutes from the Committee's Joint Meeting with the Clayton City Council on December 11, 2006.*

Motion by Pinder, seconded by Geisler, to approve both sets of Action Minutes as submitted.
Motion passed (vote 11-0).

3. PUBLIC COMMENTS

None provided.

Committee Member Candace Bass arrived at 7:09 p.m.
Vice Mayor Gregg Manning arrived at 7:10 p.m.

4. ACTION ITEMS

(a) *Discussion of and determination of Committee's recommendations to the City Council on funding, scope of maintenance standards of care, special tax rate, duration of tax rate, and annual escalator clause pertaining to the submittal of a local ballot measure to the voters for a new Citywide Landscape Maintenance District (CFD 2007-1) at the June 5, 2007 election.*

1. Separate ballot measures for Landscape Maintenance District and operation/maintenance of Clayton Fountain?

Committee Chair Richardson opened the discussion with an overview as to where the Committee finds itself at this point and where the Committee needs to determine action for recommendations to the City Council. Following considerable discussion, each Committee member was asked to identify his/her position on the 4 key elements of a ballot measure for a new Citywide Landscape Maintenance District, namely initial amount of annual tax, separate ballot measure for the Clayton Fountain issue, the length of years for the District, and how should the annual escalator clause be handled?

Chairman Richardson indicated he is leaning toward an annual tax amount of \$157.00/year with more for identifiable maintenance needs; he is in favor of an escalator clause capped at 3% per year.

Committee Member Pinder noted she supports a \$196.77/year annual tax amount initially, the Clayton Fountain's operations on weekends and holidays should be handled separately, a term of 10 years and an escalator clause capped at 3.5%.

Committee Member Caspar prefers the standard of care detailed at \$249.00/year because the landscaped areas should look nice. The tax amount and dollars is not an issue for her. She prefers a District length of 10 years with an annual escalator capped at 3.5%.

Committee Member Marshall supports the \$196.77/year annual tax option, a separate ballot measure for the Clayton Fountain to run on weekends and holidays, a District term of 10 years and an annual escalator capped at 3.5%.

Vice Chairman Geisler supports the \$196.77/year annual tax amount, a separate ballot measure for the Clayton Fountain to run on weekends and holidays to include Thanksgiving, a District term of 10 years, and an annual escalator clause capped at 3.5%.

Committee Member Vineyard endorses the \$196.77/year annual tax amount, a separate ballot measure for the Clayton Fountain to operate on weekends and holidays, a new District term of 10 years, and an annual escalator capped at 3%.

Committee Member Trezise said the \$196.77/year tax amount was fine but she wants greater water conservation methods employed, the Clayton Fountain can be removed as far as she is concerned, she can support a District term of 10 years with an annual escalator clause capped at 3%.

Committee Member Zimmerman indicated he thinks the Clayton Fountain should run on weekends and holidays but he would support an annual tax amount of \$157.00/year and add in the Fountain's operational expenses to keep the total amount under \$190.00/year. He sees no reason for a separate ballot measure on the Clayton Fountain, and the annual escalator should be capped at 3%.

Committee Member Bass supports the \$196.77 initial tax amount with assurance it includes a \$20,000/year landscape replacement fund. The Clayton Fountain should be a separate ballot measure for operation on weekends and holidays. She would like a District term of 8 years because even this increased tax amount is less than what everyone on the Committee recognizes is actually needed to keep the Landscape District in a state of good repair and appearance, and therefore it is likely to worsen and need further funds in less than 8 years. She supports an annual escalator clause capped at 3%.

Committee Member Kosel indicated he is satisfied with an initial tax amount set at \$196.77/year, would keep the Clayton Fountain as a separate ballot issue, and would support an annual escalator clause capped at 3.5%.

Committee Member Mullins noted she prefers the \$235.00/year tax option but can compromise at the \$196.77/year amount. Although the Clayton Fountain is a focal point for her, she cannot support a separate ballot measure to fund its operations because having 2 measures will confuse the voters and therefore hurt the chances of both measures to pass. She supports an annual escalator clause capped at 3%.

Committee Member Siegel noted she is new to the Committee yet she believes the \$196.77/year tax amount is the safest bet; it provides some flexibility to address the changing maintenance needs of the District. The Clayton Fountain has value but should be treated as a separate ballot measure for operation on weekends and holidays. An annual escalator clause is a must and we should try to get as much as we can to fund the needs of the District, so she supports the annual cap set at 3.5%.

Vice Mayor Manning noted he does not get to vote but feels \$196.77/year “is the number”. Given the inordinate amount of work involved in trying to extend or get voter approval of a new Landscape Maintenance District, he would like to see a 15 year life to the new one.

Upon completion of those individual comments, the following motions were made:

1. Moved by Committee Member Pinder, seconded by Committee Member Vineyard, that the Committee supports and recommends to the City Council an initial annual tax amount of \$196.77/year.
Motion passed (vote 11-1; Zimmerman – no).
2. Moved by Committee Member Trezise, seconded by Committee Member Marshall, that the Committee supports and recommends to the City Council the term of the new District shall be for a time period of ten (10) years.
Motion passed (vote 11-1; Bass – no).
3. Moved by Committee Member Vineyard, seconded by Committee Member Pinder, that the Committee supports and recommends to the City Council that the ballot measure contain an annual escalator clause linked to the adjustments in the Bay Area Consumer Price Index (CPI), and that the annual allowable CPI increase in the District’s tax rate be capped at 3% (the same as the Downtown Park ballot measure).
Motion passed (vote 7-5; Geisler, Kosel, Marshall, Pinder and Siegel – no).

Further discussion took place concerning the Committee’s feelings about a second ballot measure for just the Clayton Fountain’s operations. City Manager Napper noted the Citywide Landscape Maintenance District already has the Clayton Fountain within its jurisdiction and listed assets and that the Committee can manage the Fountain’s operations within the Districts’ funding, if voter approved, when it determines priorities and on-going oversight of the District’s maintenance. With that comment noted, the Committee by general consensus indicated there should not be a separate ballot measure in June 2007 for the Clayton Fountain’s additional funding and operations (12-0 approval).

(b) Establishment of Committee regular meeting schedule for January through June 2007.

Moved by Committee Member Bass, seconded by Vice Chairman Geisler, for the Committee to adjourn until its next meeting on March 12, 2007. Under discussion, some members indicated a preference to first alter the twice-per-month meeting schedule to once-a-month, and then skip February’s meeting date due to holidays (i.e. Lincoln’s Birthday).

Motion was pulled.

Moved by Vice Chairman Geisler, seconded by Committee Member Pinder, to set the Trails and Landscaping Committee's meeting schedule at once a month to meet on the 2nd Monday of each month starting at 7:00 p.m.

Motion passed (vote 12-0).

Moved by Committee Member Bass, seconded by Vice Chairman Geisler, for the Trails and Landscaping Committee to establish its next meeting on Monday, March 12th at 7:00 p.m.

Motion passed (vote 12-0).

5. CORRESPONDENCE – *review of incoming and outgoing correspondence.*

None.

6. COMMITTEE ITEMS

(a). *Assignment for Committee Report to the Clayton Business & Community Association (CBCA) at its Thursday, January 25, 2007 meeting.*

The Committee noted two of its members, Debbie Mullins and David Johnson, usually attend the CBCA meetings and either can supply the verbal report.

7. ADJOURNMENT

Upon call by Chairman Richardson, the meeting adjourned at 8:47 p.m.

APPROVED BY THE COMMITTEE

Dan Richardson, Chairman

Minutes prepared by:

Gary A. Napper
City Manager

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Agenda Date: 05-14-07Agenda Item: 4 (a)

City of Clayton
Landscape Fund - 210
Estimated Budget 2007-08

Account Number	Account Name	2005-06 Actual	2006-07 Adopted (w adj)	2006-07 Actual 4/30/2007	2006-07 Projected 6/30/2007	2007-08 Proposed
7111	Salaries/Regular	130,256	145,133	110,741	145,133	
7112	Temporary Help	28,287	42,827	27,857	42,813	
7113	Overtime					
7114	Holiday Pay					
7115	Council/Commission Comp					
7116	Part-time Salaries					
7217	Management Leave					
7218	LTD Insurance	1,614	1,902	1,125	1,577	
7220	PERS Retirement	29,169	31,415	19,642	27,110	
7221	City Attorney PERS					
7231	Workers Comp Insurance	9,192	6,938	6,738	6,738	
7232	Unemployment Insurance	642	-			
7233	FICA and Medicare	3,985	5,380	3,299	4,943	
7241	Auto Allowance/Mileage					
7242	Uniform Allowance					
7243	Certificate Pay					
7244	Tuition Reimbursement					
7246	Benefit Insurance	26,396	31,309	23,673	26,695	
7310	Supplies & Equipment					
7311	General Supplies	48			-	
7312	Office supplies					
7313	Small Tools & Equipment					
7314	Postage					
7315	Materials					
7316	Landscape Supplies	19,164	35,516	17,271	35,516	
7319	Safety supplies					
7321	Printing and Binding		350	274	274	
7335	Gas & Electric Serv.	21,743	21,000	18,623	23,717	
7338	Water Service	121,891	163,550	112,185	160,531	
7381	Property Tax Admin Cost	3,695	3,806	3,515	3,700	
7382	Election Services					
7384	Legal Notices					
7385	Other Payments					
7386	NPDES Permit Fees					
7389	Misc. Expenses (Election)	17,089	-	591	51,591	
7409	Street Sweeping Services					
7411	Prof. Services Retainer					
7412	Engineering Services	330	-	6,208	6,208	
7419	Other Professional Services	100,978	99,937	57,701	114,310	
7615	Property Taxes Open Space	2,886	1,000	892	892	
8101	Transfer to General Fund	26,970	26,970	22,475	26,970	
	Total Expenses	544,337	617,033	432,809	678,718	-
4604	Clayton LMD Assessment	541,879	552,717	523,607	553,354	
5601	Interest	4,568	4,000	2,389	4,000	
	Total Revenue	546,446	556,717	525,996	557,354	-
	Annual Balance (Shortfall)	2,110	(60,316)	93,187	(121,364)	-
	Beginning Fund Balance	155,720	106,872	157,830	157,830	36,466
	Ending Fund Balance	157,830	46,556	251,017	36,466	36,466

City of Clayton
Landscape Fund - 210
Estimated Budget 2007-08

Account Number	Account Name	2005-06 Actual	2006-07 Adopted (w adj)	2006-07 Actual 4/30/2007	2006-07 Projected 6/30/2007	2007-08 Proposed	
7419	Wildland Resource Mgmt		36,000	18,800	36,000		12/7/2006
	Other		500	4,236	8,936		
	Waraner Brothers -Tree trimming		15,000	10,200	15,000		
	Paco Pumps						
	Ed Richard Discing 1x per yr		31,600	3,490	31,600		Council approved increase from Fund Bal. 05
	NBS Admin Fees		3,569	3,707	3,707		
	Martel Water Systems						
	Rodent Control		5,000	5001	5,500		
	Water Feature		8,268	12,267	13,567		Rate increase 5-7% 1/1/07 - notified 8/28/06
	Total	-	99,937	57,701	114,310	-	

Extra to run pump for fountain
10 events (29 days @ \$160.)

Note: Additional \$12K for lighting at water feature/plaza parts - materials only

Not in budget

7419	Doug Stuart Wood Carving	1700	3,400	3,400	3,400	Gary Napper approved repair to City Signs 7/
7419	Ed Richard Discing	724	724	724	3,490	Gary Napper approved 7/7/06 repair erosion
7419	Backhoe in medians	1050	1,050	1,050		
7419	CC Times recruitment ad	762	762	762		
7419	Fence @Center St.	-	3,000	3,000		
		4236	8,936			

Agenda Date: 05-14-07

**LANDSCAPE DISTRICT BUDGET
FISCAL YEAR 2007-08**

Agenda Item: 4(b)

ASSUMPTION: Measure B (June 2007 ballot) does not pass.

DISTRICT REVENUE

Projected Year-End Balance (June 30, 2007): **\$ 36,466**

FY 2007-08 EXPENSE PRIORITIES

A.	Weed Abatement/Firebreaks* (contract)	\$ 31,600	(spring of 2008)
B.	Open Space Weed Abatement** (in-house)	\$ 3,163	
C.	Emergency Tree Trimming (contract)	<u>\$ 1,703</u>	
Total Expenses:		\$ 36,466	

	<u>06-07 Budget</u>	<u>06-07 Projected Expense</u>
Monies needed for annual irrigation of landscaping:	\$163,550	\$160,531

LANDSCAPING MONIES FOR FY 2008-09, AND THEREAFTER: \$ -0-

*\$31,600 for contract work covering: weed-eating 30 feet behind homes in Oakhurst, mowing weeds behind homes along Cardinet Trail. Weed eating 4 to 30 feet behind homes in Easley, Regency Woods, and Regency Meadows. Hillsides along Marsh Creek Rd (East City limits), Old Marsh Creek Rd (behind retaining wall), Clayton Rd between Middle School and Peacock Dr., and Elementary School hill side.

**\$3,163 for in-house mowing of weeds around Easley, Regency Woods, Regency Meadows, and Diablo Pointe open space.

CURRENT LANDSCAPE MAINTENANCE DISTRICT TASKS
FISCAL YEAR 2006-2007

TASK	LABOR *	O&M SUPPORT COST	TOTAL
Landscape Trimming	\$ 135,184	\$ 6,554	\$ 141,738
Irrigation Maintenance	\$ 24,205	\$ 11,421	\$ 35,626
Turf Mowing	\$ 9,804	\$ 1,124	\$ 10,928
Tree Trimming	\$ 20,724	\$ 9,070	\$ 29,794
Herbicide Applications	\$ 50,140	\$ 10,555	\$ 60,695
Landscape Fertilized	\$ -0-	\$ -0-	\$ -0-
Annual Plantings	\$ 5,803	\$ 2,630	\$ 8,433
Trail Maintenance	\$ 5,986	\$ 3,532	\$ 9,518
Open Space Weeding	\$ 3,163	\$ 60,630	\$ 63,793
SUB-TOTAL	\$ 255,009	\$ 105,516	\$ 360,525

* Labor defined as wages plus employee benefits.

ADDITIONAL DISTRICT BUDGET EXPENSES

Electric and Gas Services	\$ 23,717
Irrigation System Water	\$ 160,531
Professional Contract Services	\$ 44,310
Printing Expense (information brochures)	\$ 274
Property Tax Collection Fee (to County)	\$ 3,700
Property Taxes levied on District open space	\$ 892
District administration (to General Fund)	\$ 26,970
Measure B special election	\$ 51,591
Engineering Services	\$ 6,208
Sub-Total:	\$ 318,193

FISCAL YEAR 2006-2007 PROJECTED ACTUAL EXPENSE: \$ 678,718
FISCAL YEAR 2006-2007 PROJECTED ACTUAL REVENUE: \$ 557,354
ANNUAL EXCESS (DEFICIT): (\$ 121,364)

ADDITIONAL INFORMATION

CLAYTON FOUNTAIN OPERATION:	Each Weekend & Holidays	\$ 44,479
	Daily (8am – 8pm)	\$ 73,245
	Daily (6am – Midnight)	\$ 96,588

DATE: MAY 2007

Agenda Date: 05-14-07Agenda Item: 4 (b)

LANDSCAPE DISTRICT BUDGET
FISCAL YEAR 2007-08

ASSUMPTION: Measure B (June 2007 ballot) passes.

A. REVENUE BUDGET 2007-08**\$ 850,550.00****B. EXPENDITURE BUDGET 2007-08**

210	Proposed Budget 2007-08		\$196.77 Standard Budget	
7111	1- Supervisor	\$100,848	1-Supervisor	\$100,848
7111	0-Maintenance Worker II		2-Maintenance Worker II	157,524
7111	2-Maintenance Worker I	139,192	1-Maintenance Worker I	69,596
7112	4-Temp. Worker	108,000	3-Temp Worker	93,600
7311	Supplies*	38,000	Supplies*	38,000
7335	Gas & Electricity	26,240	Gas & Electricity	26,240
7338	Irrigation Water	185,000	Irrigation Water	185,000
7342	Equipment Maintenance	12,123	Equipment Maintenance	8,503
7343	Vehicle Maintenance	8,092	Vehicle Maintenance	8,092
7344	Vehicle Gas & Oil	8,247	Vehicle Gas & Oil	8,247
7419	Other Prof. Services**	90,852	Other Prof. Services**	90,852
7486	CERF Charges	12,936	CERF Charges	12,936
7615	Property Tax Administration fee to County	3,500	Property Tax Administration fee to County	3,500
8101	District Admin. fees	26,970	District Admin. fees	26,970
	New Trucks***	70,000	New Trucks	
	Landscaping Replacement	20,000	Landscaping Replacement	20,000
	TOTAL	\$850,000	TOTAL	\$849,908

***Supplies**

Herbicides	\$13,720
Fertilizer	5,000
Irrigation	15,000
Misc. supplies	4,280

****Other Professional Services**

Weed Abatement	\$31,600
Noxious Weed Control	27,850
Water Feature Service/pump repair	16,402
Tree trimming	15,000

*****New Trucks**

F-450 Irrigation Truck	\$ 45,000
F-250 Spray Truck	25,000

Note: Labor expenses are total compensation (wages *plus* benefit costs)

Agenda Date: 05-14-07

Agenda Item: 4(c)

From: Dave Johnson [mailto:davidjohnson32@sbcglobal.net]

Sent: Sunday, April 08, 2007 8:14 AM

To: gnapper@ci.clayton.ca.us

Subject: Re: TLC Meeting on Monday, April 9th

Gary,

I have read over the accounting data, and it appears very complex. It looks like the bottom line is what matters. I would like to see a truck purchased like the tree trimmers use to catch the chipped brush.

If the vehicle had the dump feature it would eliminate so much of the hand labor currently used to handle the trimmings. The chips could also be used to spread in various open spaces to control weeds.

Dave Johnson

Memo

To: Gary
From: John
Date: May 9, 2007
Re: Brush chipping

The wood chipper is the most dangerous piece of equipment on a tree care job site. The smaller the brush, the more dangerous it is to handle. The care and handling of the brush into the chipper, due to obvious safety factors, would be more time consuming to load, than loading the brush into one of our trailers. If we were to trim 2 times a year we would find the debris that we handle become smaller and smaller, making it even more difficult to load into a chipper. As far as productivity, the larger the debris the faster it is to dispose of into a chipper. This is why it is more common to see tree crews using chippers to dispose of branches, as opposed to landscapers using chippers to dispose of clippings. I have unsuccessfully tried to contact other cities to find out if they use brush chippers to haul their landscape trimmings, but no one has gotten back to me. I personally have never seen a landscape crew haul clippings with the use of a brush chipper or wood chipper. Both of the trailers we use to haul brush have hydraulic lifts which enables one man to dump the brush on the pavement next to the recyclable dumpsters, which we then load with a tractor. After blowing off the sidewalk... the area is completed. When using a chipper you usually have one operator, and several men to drag the piles to front of the chipper. The operator would then throw the larger pieces into the chipper, and use a push stick to push the smaller piles through. Using a push stick is normally not recommended when using a chipper, but it is common practice none the less. After chipping the larger debris, the smaller debris would still have to be loaded into a trailer, hauled to our dumpsters, and loaded with the tractor.

A brush chipper would not produce chips, but instead produce mulch. The mulch created by the chipper would more resemble yard waste than wood chips, and this would not be something that we would want to put on our medians. If we chipped the brush, it could be dumped in open space and then this waste would have to be spread with the tractor. In the past, we have received calls from citizens not wanting wood chips dumped in open space, let alone mulch. The fire department has also had concerns with the wood chip piles not being spread in a timely matter. We currently do use our

chipper to dispose of the large tree braches that we trim while clearing the creeks and low lying trees along the trails, but we shoot the chips right back into open space leaving only the smaller debris to be hauled to our dumpsters. Another major area of concern is the fact that we use primarily seasonal workers to trim and haul brush, and even after being properly trained, could pose a safety issue to our department.

After talking with a representative from Vermeer, he recommended that you not use a wood chipper for smaller debris, because of the safety issues involved. He also informed me that Alameda County had looked into a mulching chipper to support their green waste program; it was unclear if they were going to chip on site, or haul to their yard for disposal. The machine they were going to use is called a Horizontal Grinder, or HG200. It has loader with conveyor belt to feed the debris, and pulverize it as it goes through. This machines costs around \$55,000, and the estimated recovery cost for those monies was around 6 years. Alameda County decided to postpone their purchase.

From a green waste stand point this might be something to look into, but the city already recycles its green waste through Allied Waste Services. As far as increasing our efficiency, it would take more time, care, and supervision to implement, and the safety factors related to using seasonal employees to run a brush chipper, weighted with the questionable time savings, seems like an unnecessary risk. Attached are a few incident reports involving workers killed while operating wood chippers.

Guatemalan Tree-Service Worker Killed when Pulled into Brush Chipper (Case Report: 05NY034)

Summary

On May 4, 2005, a 42-year-old Guatemalan tree-service worker died after he was caught and pulled into a brush chipper. The victim was a day laborer who had worked for the tree service for approximately two weeks. On the day of the incident, the victim and his employer, the tree service owner, were trimming trees behind a residence. The owner had climbed a tree and was cutting branches and passing them down to the victim; the victim then fed the limbs through the brush chipper. After passing a few limbs to the victim, the owner heard the victim yelling and saw that he was being pulled into the chipper. The owner climbed down, discovered that the brush chipper had shut off, and that only the victim's hand was visible in the feed chute. The owner immediately contacted the homeowner; 911 was called and emergency medical services arrived within minutes. The victim was pronounced dead at the scene.

New York State Fatality Assessment and Control Evaluation (NY FACE) investigators concluded that to help prevent similar incidents from occurring in the future, employers should:

- **Ensure that workers fully understand and strictly follow the safe operating, trouble shooting, and machine maintenance procedures recommended by the manufacturers when operating brush chippers;**
- **Train workers in safe and proper feeding technique to avoid the hazard of being pulled into an operating brush chipper;**
- **Ensure that the safety instructions and training are provided in a language that workers are able to comprehend;**
- **Designate another employee as a safety watch to assist the brush chipper operator and;**
- **Ensure that the area in front of the infeed hopper is free of tripping hazards.**

Additionally:

- **Brush chipper manufacturers should install additional safety features including emergency shut-off devices on brush chippers.**

Introduction

On May 4, 2005, a 42-year-old Guatemalan tree-service worker died after he was caught and pulled into a brush chipper. NY FACE staff learned of the incident on May 5 through a newspaper article.

NY FACE investigators met with the Occupational Safety and Health Administration (OSHA) compliance officer who had investigated the incident to collect information related to the fatal event. In preparation for the report, NY FACE staff also contacted the manufacturer of the brush chipper that was involved in the fatal incident, and reviewed news reports, police investigation records and the death certificate. No site visit or employer interview was conducted.

The victim's employer was a self-employed tree-service owner. The tree service had been in business for ten to twelve years. The owner hired the victim, his only employee, through a contact referral approximately two weeks before the incident.

The victim was a day laborer, having arrived in the United States approximately ten years ago from Guatemala. The victim spoke Spanish and reportedly neither spoke nor understood English well. Prior to working for the tree-service, the victim had assorted jobs such as lawn mowing and fence repair. This was the tree-service's first fatality.

Investigation

On May 4, 2005, the victim and his employer were trimming trees behind a residence. A brush chipper was used to grind up the cuttings. The brush chipper, purchased by the tree-service owner ten year ago, was a hand-fed portable model (Figure 1)

and could process materials up to 12 inches in diameter. The machine consists of a feed mechanism, a rotating chipper drum, and a power plant. Tree cuttings are fed into the machine through a feed chute, or infeed hopper. At the end of the chute, two feed wheels are arranged one above the other to pull material into the chute. The feed wheels grab the tree cuttings and forces them into the knives mounted inside on a rotating drum. The drum operates at a high rate of speed and pushes the chipped wood through a discharge spout for removal and transport.

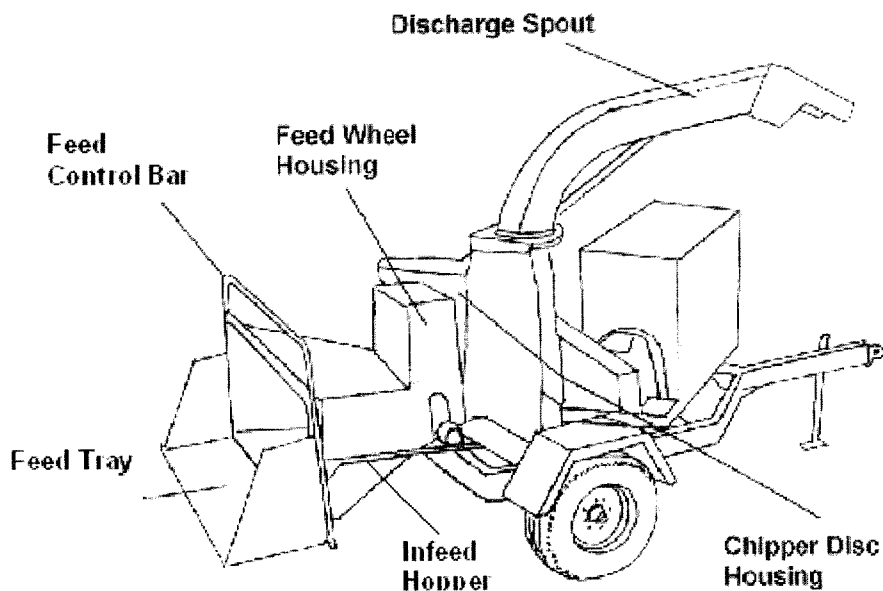


Figure 1. Diagram of wood chipper model involved in incident. (Courtesy of National Institute for Occupational Safety and Health, FACE Report 98-13).

The brush chipper is equipped with a feed control bar (a.k.a., safety bar) located around the opening of the feed chute. The control bar operates the feed wheels and has three positions: feed, off (neutral), and reverse. An operator pulls the bar toward the feed chute to activate the feed wheel rotation and pull the material into the chipper, places the bar in the middle (neutral) to stop the feed wheels, or pushes the bar toward the chipper to reverse the feed wheels and back the material out of the chipper. Since the feed control bar was around the infeed hopper, a worker caught in the feed mechanism may not be able to activate it.

The owner, who spoke only English, reportedly explained basic chipper operations to the victim, including how to run and stop the machine, prior to letting the victim operate the chipper. The victim had operated the chipper for the tree-service approximately three times before the day of the incident.

The incident occurred at approximately 11:00 a.m. At the time of the incident, the owner had climbed up into a tree and was cutting branches and passing them down to the victim who then fed the limbs through the brush chipper. The branches being fed were reportedly smaller than 10 inches in diameter, so there were no oversized (larger than 12 inches in diameter) materials being fed into the machine. The victim was wearing gloves and a baseball hat at the time of the incident; it is unknown what other clothing he was wearing.

After passing a few limbs to the victim from the tree, the owner heard the victim yell and saw that he was being pulled into the chipper. As the employer was the only witness and was up in the tree at the time of the incident, the exact manner in which the victim was caught and pulled into the chipper is unknown.

The owner climbed down the tree, discovered that the wood chipper had shut off, and that only the victim's hand was visible in the feed chute. The owner immediately contacted the homeowner; 911 was called and emergency medical services arrived within minutes. The victim was pronounced dead at the scene.

Cause of Death

The official cause of death was listed on the death certificate as exsanguination from trauma.

Recommendations/Discussion

Recommendation #1: Employers should ensure that workers fully understand and strictly follow the safe operating, trouble shooting, and machine maintenance procedures recommended by the manufacturers when operating brush chippers.

Discussion: Employers should require brush chipper operators to review the manufacturer's operating instructions. Operators and other employees assisting with brush chipper tasks should be instructed on safe work practices and potential or existing hazards unique to the job assignment. Workers should receive training on chipper safety devices and controls, proper operation, feeding, starting, shutdown, and emergency procedures. Workers should also be familiar with what types of material should not be fed into the machine, the proper procedure for clearing jams, and personal protective equipment that should be used.

Employers should also instruct workers to follow safe procedures recommended by the manufacturer when clearing jams, trouble shooting, or performing routine maintenance on brush chippers. Before attempting any type of maintenance, the brush chipper should always be turned off. The cutting rotor operates at a powerful and high speed with a great amount of inertia and the chipper disc will coast for several minutes after the engine is shutdown. Workers should not attempt any type of maintenance until all internal machine parts have come to a complete stop.

Recommendation #2: Employers should train workers in safe and proper feeding techniques to avoid the hazard of being pulled into an operating brush chipper.

Discussion: Workers without proper training are at great risk of being pulled into and through the chipper knives. This can occur if the worker loses balance and falls forward into the feed chute, reaches too far into the feed mechanism, or becomes entangled or pushed by branches and limbs that are being pulled into the chipper. The risk can be minimized if workers are trained in safe feeding techniques that include the following:

- never place hands or feet inside the feed chute;
- always stand to the side of the infeed hopper when feeding the brush chipper. This minimizes the risk of entanglement in branches and allows quick access to the feed control bar to turn off or reverse the feeding mechanism. (Because of differences among machines, the manufacturer's operating manual should be consulted for guidance. Safe feeding of some disc-type chippers requires the worker to be on the right side);
- immediately walk away once the machine has grabbed the material and been fed through the chipper knives (see Figure 2);
- feed brush and limbs into the infeed hopper butt end first; and
- lay short/small material on top of longer material to feed or use a push paddle to push short or thorny brush through the infeed hopper.

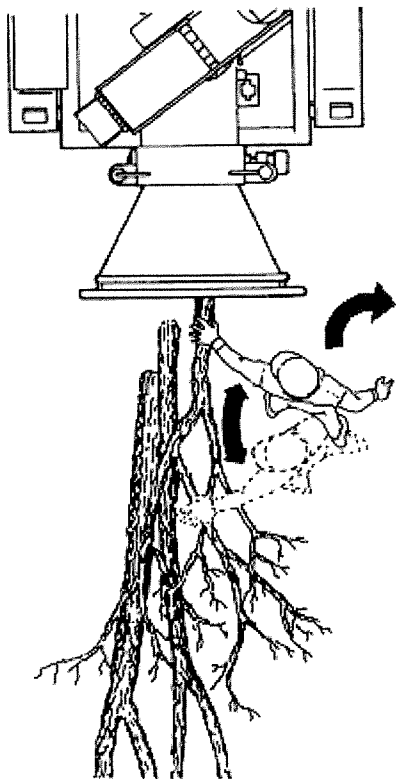


Figure 2. Safe feeding pathway: material fed from side, operator walks away immediately following feeding. (Courtesy of Michigan Occupational Safety and Health Administration, Pub OSC-6125).

Recommendation #3: *Employers should ensure that the safety instructions and training are provided in a language that workers are able to comprehend.*

If a language barrier exists, as in this incident, employers should ensure that the chipper safety training is provided in a language and at a literacy level that is fully understood by the workers before assigning the task. An interpreter should be used if workers require assistance in understanding safety training.

Recommendation #4: *Employers should designate another employee as a safety watch to assist the brush chipper operator.*

Discussion: A safety watch is mandated in many high-risk occupations to help prevent injuries. When the brush chipper is in operation, at least one worker in addition to the operator should be placed in the immediate vicinity of the work area and in close contact with the operator. In this incident, a designated safety watch stationed near the chipper may have been able to intervene verbally if the victim had been observed feeding material from a hazardous position or may have been able to inactivate the chipper before the victim made contact with the chipper blades.

Recommendation #5: *Employers should ensure that the area in front of the infeed hopper is free of tripping hazards.*

Discussion: Workers feeding material into brush chippers are at risk of being fed through the chipper knives if they fall into the infeed hopper or become entangled in branches feeding into the machine. Employers should ensure that the area in front of the infeed hopper is free of branches, logs, vines, rocks, and other tripping hazards to help prevent workers from tripping or falling into the chipper feed mechanism.

Recommendation #6: *Brush chipper manufacturers should install additional safety features including emergency shut-off devices on brush chippers.*

Discussion: Newer brush chippers are equipped with additional safety features besides the feed control bar. For example, a

newer model of the chipper that was involved in the incident now has a new safety emergency shut-off device, termed "Last Chance Stop". The Last Chance Stop, located inside the infeed hopper is a cable assembly connected to the feed control bar. By pulling the cable, the operator can reverse the feed wheels from inside the hopper. Technology is emerging which may allow the use of electronic sensors to eliminate machine-related injury. In one example of this technology, the worker would wear gloves made of metal-impregnated material. The presence of the workers' hand near the feed hopper would be detected by a metal detector mounted at the opening. The detected signal could then be used to stop the feed wheels.

Keywords: *machinery, Hispanic, immigrant, wood chipper, brush chipper, tree, caught by*

References

CDC/NIOSH. *NIOSH Hazard ID. Injury Associated with Working Near or Operating Wood Chippers*. DHHS (NIOSH) Publication No. 99-145, August 1999.
<http://www.cdc.gov/niosh/hid8.html>

NIOSH FACE Program Report No. 1998-13.
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NIOSH FACE Program Report No. 2000-21.
<http://www.cdc.gov/niosh/face/In-house/full200021.html>

American National Standards for Tree Care Operations—Pruning, Trimming, Repairing, Maintaining, and Removing Trees, and Cutting Brush—Safety Requirements", ANSI z133.1-1994. American National Standards Institute, Inc, New York, New York.

University of California, Agriculture and Natural Resources, Environmental Health and Safety. *Safety Note #91: Brush Chipper Safety*. November 2005.

California FACE Report No. 00CA010.
<http://www.dhs.ca.gov/ohb/OHSEP/FACE/00CA010.htm>

Michigan Occupational Safety and Health Administration, Consultation Education and Training Division. *Onsite Consultation Abatement Method Advice for: Brush Chipper In Feed and Cutter Pinch Points*. OSC-6125, Revised June 2005.

The Fatality Assessment and Control (FACE) program is one of many workplace health and safety programs administered by the New York State Department of Health (NYS DOH). It is a research program designed to identify and study fatal occupational injuries. Under a cooperative agreement with the National Institute for Occupational Safety and Health (NIOSH), the NYS DOH FACE program collects information on occupational fatalities in New York State (excluding New York City) and targets specific types of fatalities for evaluation. NYS FACE investigators evaluate information from multiple sources. Findings are summarized in narrative reports that include recommendations for preventing similar events in the future. These recommendations are distributed to employers, workers, and other organizations interested in promoting workplace safety. The FACE program does not determine fault or legal liability associated with a fatal incident. Names of employers, victims and/or witnesses are not included in written investigative reports or other databases to protect the confidentiality of those who voluntarily participate in the program.

Additional information regarding the New York State FACE program can be obtained from:

*New York State Department of Health FACE Program
Bureau of Occupational Health
Flanigan Square, Room 230
547 River Street
Troy, NY 12180
1-866-807-2130
www.nyhealth.gov/environmental/investigations/face/*

Questions or comments: boh@health.state.ny.us

<http://www.health.state.ny.us/environmental/investigations/face/05ny034.htm>

4/30/2007

California FACE Report #00CA010

Tree Trimmer Dies When Pulled into in a Brush Chipper

SUMMARY

A 33 year-old male tree trimmer died when pulled into a brush chipper at a job site. The decedent was chipping small and medium size tree limbs being piled by other workers around the perimeter of a job site. The decedent was working alone at the brush chipper. Co-workers said they heard a strange noise come from the brush chipper. The supervisor on the job went to investigate, discovered the decedent's remains, and immediately called 911. Although the incident was unwitnessed, police concluded that the victim either lost his balance while feeding material into the chipper or was leaning across the feed table pushing trimmings into the feed chute when his gloves were caught by the feed rollers and he was pulled through the chipper blades.

The CA/FACE investigator determined that, in order to prevent future occurrences, employers, as part of their Injury and Illness Prevention Program (IIPP) should:

- **Ensure that all employees use a long limb, branch, or a push stick to feed small trimmings into the brush chippers.**
- **Ensure that all employees stand to the side of the feed table when feeding trimmings into the brush chipper.**
- **Designate another employee as a safety watch when trimmings are being fed into the brush chipper.**

INTRODUCTION

On July 15, 2000, at approximately 1:30 p.m., a 33-year-old male tree trimmer died when drawn entirely into a brush chipper. The CA/FACE investigator learned of this incident on July 20, 2000, through the local legal office of the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA). On October 19, 2000, the CA/FACE investigator traveled to the decedent's place of employment and interviewed the company owner. The CA/FACE investigator also reviewed the local Cal/OSHA district office file on this incident.

The employer of the decedent was a state licensed and fully insured company that offered consultation services and maintenance programs in tree services. The owner of the company was a certified arborist. The company had on average 21 employees. The decedent had worked for this company for eight years. There were approximately 9 employees working at the site at the time of the incident.

The employer of the decedent had a safety program and a written Injury and Illness Prevention Program (IIPP) with all the required elements including written job hazard evaluations, and documented training programs for employees who operated the wood chippers. There were written task specific safe work procedures available for employees and operator manuals for the machines. There was an employee / management safety committee and safety meetings were held regularly on a by-weekly basis.

Training was given on an as-needed basis. Training was accomplished by on-the-job-training (OJT), classroom instruction with written test, and seminars by the National Arborist Association. This training was documented.

INVESTIGATION

The site of the incident was a side and front parking lot of an office complex. The property owner requested the trees around the perimeter of the parking lot (approximately two acres) be trimmed on a Saturday. The owner of the company scheduled the work crews several months in advance to perform this annual maintenance of eucalyptus and pine trees calculating approximately one half days work. On the day of the incident, nine employees reported to the work location at approximately 11:30 a.m. and started the job by holding a tailgate safety meeting. Crews of two were assigned to cut and stack the tree limbs and brush and one employee would follow with a 2-½ ton enclosed dump truck and attached disk-type brush chipper. The decedent's duties were to drive the large diesel truck to the stacked limbs and brush and feed them into the brush chipper that was attached to the rear of the truck with its chute aimed into the bed of the truck through an open section in the tailgate. The feed table on the chipper measured 5 feet long, 6-½ feet wide, and was 1-½ feet above ground level.

As the brush and limbs were fed into the chipper it made a distinct sound that was recognizable to those familiar with the operation. According to co-workers, they could hear the noise of the brush being fed into the chipper from their work location, approximately 80 to 100 feet from the decedent. Approximately two hours into the job, the co-workers stated they heard a strange noise coming from the chipper, similar to an overloaded condition. The supervisor on the job went to investigate. As the supervisor came about to the rear of the truck, he quickly realized what had happened and immediately called 911. There were no witnesses to the actual incident. The police concluded that the 5-foot, 8-inch decedent either lost his balance while feeding the trimmings into the chipper and was pulled into the chipper blades, or was leaning across the feed table attempting to push the trimmings into the chipper when his gloves caught on the feeder rollers and was pulled into the chipper blades.

CAUSE OF DEATH

The cause of death, according to the autopsy report, was total body fragmentation.

RECOMMENDATIONS / DISCUSSION

Recommendation #1: Ensure that all employees use a long limb, branch, or a push stick to feed small trimmings into the brush chippers.

Discussion: Because the incident was unwitnessed, the exact manner in which the victim was caught and pulled through the chipper blades is unknown. However, the material that the decedent was chipping consisted of small and medium size tree limbs. Studies of other cases indicate that workers can become caught when attempting to feed small pieces of limbs and debris into a chipper. The chipper that was being used by the decedent was equipped with feed rollers that feed the material into the chipper blades. During normal operation, chipped material and small pieces of limbs and brush tend to accumulate on the feed table. When this happens, a long limb, branch or a wooden push stick should be used to push the material into the machine, while the worker remains at the side of the feed chute a safe distance away from the feed rollers. The material that the decedent was picking up to be chipped consisted of small and medium size tree limbs. None of this material on the job site would have been suitable for using as a push stick device.

There also was no evidence that a push stick device was being used to feed the small and medium size limbs into the chipper. Had a shop-made push stick or a large tree limb been used, this incident might have been prevented.

Recommendation #2: Ensure that all employees stand to the side of the feed table when feeding trimmings into the brush chipper.

Discussion: The feed table provides an important measure of safety by increasing the distance between the feed rollers and the operator. Should a snag occur, the brush chipper is equipped with a quick stop and reversing feed control bar located across the top and down each side of the feed chute. The operator could easily activate this safety device while standing at the side of the feed table whenever the need arises, making it very unlikely that an operator could be pulled onto the chipper blades from this position. However, if standing directly in front of the feed table, the operator is out of reach of this safety device. Also, if an operator should place any part of his/her body on the feed table the risk of getting snagged or dragged into the chipper blades is quite high and a worker caught by the hands could not activate the quick stop device.

Recommendation #3: Designate another employee as a safety watch when trimmings are being fed into the brush chipper.

Discussion: A strong safety plan will have procedures in place that explain how to perform high-risk task as safely as possible. The fact still remains that when dealing with the human element, verification must also be part of the safety plan to reduce the false sense of security that usually develops when someone repeatedly performs a hazardous function without incident. A safety watch is mandated in many other high-risk occupations to help prevent injuries. A designated safety watch stationed near the chipper may have been able to intervene verbally if the decedent had been observed feeding material from a hazardous position or may have been able to activate the quick stop device before the decedent made contact with the chipper blades.

References:

1. California Code of Regulations, Vol. 9, Title 8, Sections 3203, 3421, 3424(c), 3428.
2. Operator's Manual, 1800 Brush Chipper, Vermeer, 1996
3. American National Standards Institute, ANSI Z133.1-1994
4. DHHS NIOSH PUBLICATION NO. 99-145 Injury Associated with Working Near or Operating Wood Chippers, August 1999
5. ADMINISTRATIVE REPORT, CDC/NIOSH/DSR, FACE 97-06, Virginia; FACE 98-13, North Carolina

FATALITY ASSESSMENT AND CONTROL EVALUATION PROGRAM

The California Department of Health Services, in cooperation with the California Public Health Institute, and the <http://www.cdc.gov/niosh/face/stateface/ca/00ca010.html>

4/30/2007

National Institute for Occupational Safety and Health (NIOSH), conducts investigations on work-related fatalities. The goal of this program, known as the California Fatality Assessment and Control Evaluation (CA/FACE), is to prevent fatal work injuries in the future. CA/FACE aims to achieve this goal by studying the work environment, the worker, the task the worker was performing, the tools the worker was using, the energy exchange resulting in fatal injury, and the role of management in controlling how these factors interact.

NIOSH funded state-based FACE programs include: Alaska, California, Iowa, Kentucky, Maryland, Massachusetts, Maryland, Minnesota, Missouri, Nebraska, New Jersey, Ohio, Oklahoma, Texas, Washington, West Virginia, and Wisconsin.

To contact California State FACE program personnel regarding State-based FACE reports, please use information listed on the Contact Sheet on the NIOSH FACE website. Please contact In-house FACE program personnel regarding In-house FACE reports and to gain assistance when State-FACE program personnel cannot be reached.

Agenda Date: 05-14-07

Agenda Item: 5

From: Laura Hoffmeister [mailto:lhoffmeister@ci.clayton.ca.us]
Sent: Monday, April 30, 2007 1:46 PM
To: gnapper@ci.clayton.ca.us ; Mark; John
Subject: complaint about proposed landscape measure and maint of landscaping area

Received call from Resident (husband and wife) on marsh creek circle states that the city crews only seem to maintain the outside area of the berm between their homes and marsh creek road. The couple feels that they do not get the same level of service on the inside area, especially with shrubs overgrowing the curb and gutter. The residents are the ones that have been keeping the inside area maintained not the city. They also note that the sidewalk area between Bigelow Circles entrees at old marsh creek road are also overgrown and they never get any decent maintenance the city forgets these areas and only focus on the larger major thoroughfares that the traveling public sees not what the homeowner sees.

PUBLIC WORKS REPLY:

Area was trimmed approx.
1 year ago - it is on the same
cycle of every 18 months like
all other areas.

They also strongly feel that they and the public have been hoodwinked by asking to vote on the downtown park tax first and that the citywide existing maintenance should have come first before any separate vote on the downtown park.

They feel if the city does not have any funds to keep the maintenance when the current measure expires they dare the city council to stop the maintenance of these already installed plantings. And if they do, then fine as they do not get their tax money worth now. They are going to speak with their neighbors about this and vote no on measure B, they strongly believe that had it been clear to the public that this was expiring they would have never voted for the park, so the city got the smaller amount first on the park, then waited for the larger city wide landscape tax. They would have wanted the timing of the separated ballot measures done in reverse. (They also voted against the last measure when it was combined with the downtown park they thought it was too much and that the park should come after addressing what was already installed\$BMU(Bthey did vote for the park tho u gh.)< o:p>

Laura Hoffmeister
Asst. to the City Manager - City of Clayton

to: Mark & John
fyi. 

101 Cabernet Court
Clayton, CA 94517
April 30, 2007

Received

APR 30 2007

City of Clayton

Clayton City Hall
6000 Heritage Trail
Clayton, CA 94517

Dear Mayor Walcutt:

We have just read your Measure B brochure which was left at our door. We all want Clayton to be well maintained and landscaped in appearance. Our concern is not the increase in tax but rather the good use and application of that money. We are disgruntled and irritated with city service.

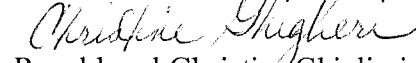
We often walk through the Clayton proper community and have not seen much maintenance worker visibility until just recently with the park signs appearance. When we walk along Clayton Road between Center Street/Oakhurst Drive and the intersection at Marsh Creek Road where Diablo Middle School is located, we have seen diseased plants uncared for leading to their death with no cleanup. Also, we have personally called the City twice to inform you of significant sprinkler leaks along a path between Easley homes and the relatively new homes built across from Diamond Terrace. It is obvious no one inspects what they are supposed to be maintaining. Recently we have noticed that trees and rosebushes are improperly pruned causing segments to die. Your employees are neither knowledgeable nor well supervised. A neighbor just commented that 3 workers were in a truck. Only one got out to pick up trash while the other two remained seated.

We were glad that Measure B Standard will care for weeding and trail repairs because the Easley bike path is overgrown with weeds every year that are left to fully seed and grow tall with only one mowing before July 4th. It is a fire hazard long before that. Some homeowners have mowed it themselves, but it is the city's responsibility. With current landscaping equipment this should not take so long to tackle. Another point, has poor maintenance influenced the high budget for park maintenance? The park isn't that big.

We, most importantly, want to see the position of foreman to be opened up to public application to hire someone vigilant and knowledgeable to conduct maintenance and supervise those under him to work industriously for the salaries they will be receiving. A new crew should be hired as well so the poor habits won't continue. This is the consensus of most of the people in our neighborhood.

When we see that your leadership will address this personnel change, then we will vote in favor of Measure B.

Sincerely,



Ronald and Christine Ghiglieri

Cc: Council members