

MINUTES
City Vehicle Accident Review Board
September 16th , 2014
Public Meeting Room #3
New City Hall
212 SW 9th St.
1:30 pm

The meeting was called to order by Chairman Wright at 1:30 pm.

1. Roll Call

MEMBERS PRESENT: Rusty Wright, Chairman
Dennis Bothell, Equipment Maintenance
Rusty Whisenhunt, Public Works Safety & Risk Officer
Candy Brown, Safety & Risk Manager

MEMBERS ABSENT: None

OTHERS PRESENT: Marlon Johnson, Safety Rep
Roy Rodrick, Safety Rep
Leon McGahee
Sue Smith, HR

Excused* Unexcused**

2. Minutes:

A. Approval of minutes of August 5th , 2014

Motion by Brown with second by Bothell to approve the minutes of August 5th, 2014. AYES: All NAYS: None Motion carried.

3. Old Business:

A. Steven Bowen- Lakes (7/9/14) Tabled

Mr. Bowen was present. Safety Rep Leon McGahee was also present.

Mr. Bowen said he was at Lake Ellsworth and he had his wing down on the mower while in he was in a ditch. He said he moved over a little so that the wing wouldn't be hanging in the road. Bowen said people driving down the road have almost hit him many times so he decided to move over more with his wing up to get out of the way. He said a pickup came flying by and stopped and the man said Bowen got him with some gravel. Bowen said he didn't see him but the man

said Bowen had peppered his truck. Bothell asked about pictures since they tell a lot. Bowen said he thought they took pictures. Brown said that Jim said he had pictures but she never received them. Bothell asked what the unit number was and Bowen said 909. Bothell asked if it was the pole wing that he had up and Bowen said yes. Bowen said just on one side. Bothell said it is one of the giant mowers with three decks on it and two were up. Bothell said they were made to be in operation with all of them down because it has skirts around it to catch any rocks. Bowen said he may have messed up on that but people fly down that road very fast and he almost got hit before and that is the only road he has to mow where people speed by. Bowen suggested putting "Mowing Ahead" signs up or Bothell suggested putting a ground guide there to slow traffic. Bowen said he only has one temp who works there and he is off mowing also. Brown asked if they put out the "Mowing Ahead" signs and Bowen said he didn't think they had any of those signs. Bothell said they can be made by putting in a request with the Street division. Bothell showed a picture of the mower and said it is hydraulic and the bat wings can be lifted on both sides. Wright asked if you go in a ditch do the wings automatically go up. Bothell said yes. Bowen said it flows with the terrain you are on. Brown asked how often he mows the area. Bowen said every three weeks or so. Brown said you were doing this at around 10 am and you start at 7 a.m. Bowen said yes. Bowen said it is a paved road. Wright asked if the wings were all the way up. Bowen said yes. Bothell said they are not supposed to run with them up. Whisenhunt asked if the blade was running at the time. Bowen said yes. Brown asked if there was a better time to mow. Bowen said the road is always busy. Bowen said he didn't want to get hit and had the wings up. He said they always drive too fast down that road. Whisenhunt asked if they have any other type of mower to use. Bowen said they don't want them to use the small mowers on that road and that was the only mower they had to mow for that area.

Motion by Brown with second by Bothell to rule this accident as a Chargeable Damage Incident with one (1) point reduced to (0) points assessed.
AYES: All NAYS: None Motion carried.

4. New Business:

A. John S. Mullins-Cemetery (7/28/14)

Mr. Mullins was present. Safety Rep Leon McGahee was also present.

Mr. Mullins said he walked out to use the backhoe and the windows were broken. Wright asked where the backhoe is kept. Mullins said it was inside the compound and inside the locked fence. Bothell said it looked like the door flew open and hit it. Mullins said that was right. Mullins said he was the last one out of the backhoe on Friday and the windows were intact. He said no one else used it. McGahee said on Monday morning the gate was still locked but didn't notice any glass broken. Spencer called him later in the morning and told him he saw glass all around the backhoe. Mullins said there wasn't any sign of vandalism.

Mullins said he thought the wind caught the door and it swung back and hit the windows and shattered the glass. Brown asked if the door was shut. Bowen said he shut it but you have to shut the door 3 or 4 times before it will latch shut. Whisenhunt asked how old the unit was. Bowen said about 12 years old. Bothell said it is a CASE 580M.

Motion by Bothell with second by Brown to rule this accident as an Unsubstantiated Claim for an Unsustainable event with zero (0) points assessed.

AYES: All NAYS: None Motion carried.

B. Earl Sappington-Park Maintenance (7/4/14)

Mr. Sappington was present. Safety Rep Leon McGahee was also present.

Mr. Sappington said he was over at Panther Park weed eating. He said he parked his truck at a 45 degree angle from the bush he was weed eating around. When he was finished he said he put the weed eater in the back of the truck. He said he heard something and he thought maybe a pebble went through the bush and hit the glass of the truck. He said he called his supervisors immediately and drove to Equipment Maintenance. Sappington said he was wearing his safety glasses and earplugs. Bothell asked if the weed eaters have a guard on the back of them. Sappington said yes on the back to protect the user but not on the front to prevent a rock from flying. He said that Panther Park is all pea gravel.

Motion by Bothell with second by Brown to rule this as a Non-Preventable Damage Incident with zero (0) points assessed.

AYES: All NAYS: None Motion carried.

C. Marcus Johnson-Athletic Maintenance (7/14/14)

Mr. Johnson was present. Safety Rep Leon McGahee was also present.

Mr. Johnson said this happened at Bishop and 38th and Sheridan. He said when he turned, he was going over and down the hill and it was slick and he felt his truck jerking and he applied a little bit of break and once he did that then he jack-knifed and went into the ditch. Wright asked if there was anything on the trailer and Johnson said yes, a mower. Bothell said there was damage to the mower as well. Wright asked if the trailer flipped and Johnson said no. Johnson said he went through a barbed-wire fence and hit a tree. Brown asked how fast Johnson was going. Johnson said 35 mph. Bothell said it cost \$3,000.00 to repair the truck. Bothell asked Johnson if he did a walk around of his truck that morning. Johnson said yes. Bothell asked then why weren't your taillights working that day. Johnson said he didn't check the taillights but he noticed the trailer he was hauling had two different sizes of tires. Bothell asked if the tires were properly inflated and Johnson said yes. Johnson said he didn't know why the trailer fish-tailed on him. He said he had hauled it before and never had a problem. Bothell asked if the mower was tied down. Johnson said yes. Whisenhunt asked if Johnson loaded the mower and that it could have been too far forward or back on

a single axle truck. Whisenhunt said that weight distribution of the mower could have caused the trailer to fish-tail. Johnson said he went to 38th Street to pick up the mower and drove back to the shop. He realized he forgot the keys to the mower and went back to 38th Street to get the keys and on his way back to the shop that is when he went off the road. Johnson said the truck started shaking only when he went back to the shop that last time. Bothell said it looked like the mower was all the way forward. Johnson said what he believes he did wrong was that he probably applied too much brake and he panicked a little because it was shaking. He said the brakes are sensitive on the truck. Brown asked Johnson if he had hauled this trailer with the mower before this with no issue and had he loaded it before with no problem. Johnson said yes. Whisenhunt asked if he took the same route always. Johnson said yes.

Motion by Bothell with second by Brown to rule this as a Preventable Chargeable Collision Incident with three (3) points and add one (1) point for damages with a total of four (4) points assessed.

AYES: All NAYS: None Motion carried.

D. Jason Norwood- Park & Rec (7/29/14)

Mr. Norwood was present. Safety Rep Leon McGahee was also present.

Mr. Norwood said he and several others were weed eating the park and he pulled in far enough away from the area and was going to do that part last so that he could move his vehicle and not get damaged. Norwood said he had one man working 200 yards away and one working 100 yards away. He was at his truck putting the string on his weed eater and heard a noise and noticed a spider crack on his windshield. He called his supervisor and the police for a report. Brown asked why the report was on him only. Norwood said he didn't know why. He said the window broke and he is not sure how it happened. Brown asked where Stevens Park is and Norwood said behind Chik-Fil-A on Cache Road.

Motion by Bothell with second by Brown to rule this as Non-Preventable with zero (0) points assessed.

AYES: All NAYS: None Motion carried.

E. David Rolando -Solid Waste Collection (7/22/14)

Mr. Rolando was present. Safety Rep Marlon Johnson was also present.

Mr. Rolando said it happened just north of the twin bridges on 11th and Pecan. Rolando said he was traveling south on 11th Street just past the Hwy 44 overpass where there is no shoulder so the street seems narrow. He said as he was coming up to the bridges he noticed another truck coming his way. He said one truck was following the other very close so he didn't notice the other truck. Rolando said he has done this hundreds of times and as he was approaching the first truck he noticed the second truck came over to his lane. He said he had no

time to react and he couldn't put on the brakes in that kind of truck. Rolando said he scooted as far as he could to the side rail but it wasn't enough and their side mirrors hit. He kept going and when he got off the bridge he pulled off to the side of the road. Rolando said he didn't know how the other driver got over the lane so much and that he didn't think the other driver saw him because he was so close behind the other truck. Rolando said that they sit on the opposite side in the garbage trucks so he thought the other driver would not have been able to see him. He said the driver hit his bumper also. Johnson said there was a witness and his statement is in the police report. Rolando said that he could see the passenger of that truck looking at him and he knew they were going to hit.

Motion by Bothell with second by Whisenhunt to rule this accident as Non-Preventable with zero (0) points.

AYES: All NAYS: None Motion carried.

F. Dennis Jensen- Solid Waste Collection (7/22/14)

Mr. Jensen was present. Safety Rep Marlon Johnson was also present.

Mr. Jensen said he was coming back from the landfill and he looked in his mirror and he was as close to the bridge as he could be and when the other one arm truck came toward him on the bridge their two mirrors made contact. He said it pushed his mirror through the passenger's side window. Jensen said that the other driver said he was two feet over the line but if that were true on that narrow bridge then there would be a head on collision. Wright asked if he had been on the bridge before with two trucks. Jensen said yes. Whisenhunt asked how far Jensen was behind the truck in front of him. Jensen said about two or three truck lengths behind him. Whisenhunt asked him how fast he was going. Jensen said not very fast because the road has lots of bumps. Bothell said it is 55 mph there. Jensen said he wasn't going that fast and maybe about 40 mph. Jensen said the bridges are ruff and narrow so if they see another large truck like Gill's they pull over and let them pass.

Donald Holmes- passenger in Jensen's truck - Mr. Holmes said from his view coming from the landfill on 11th Street, he bent down to get something from his bag and when he sat up they hit. Bothell asked if he was aware of the truck going over the yellow line. Holmes said no. He said from the passenger's side you can see far. He said he can't say that Jensen was over the yellow line but he saw the other truck getting closer. He said once you go over that bridge most cars go just a little over and he had been in the truck a lot of times and pass trucks but this one wasn't over far enough. Brown said asked if Holmes was saying that prior to the accident that it was clear that the driver was over the line. Holmes said he can't say because he didn't see anything but that the truck was closer than normal. Johnson said prior to that did you have to tell the driver to move over. Holmes said that was coming down but not at the bridge. He said he just saw Rolando's truck coming at him. Holmes said before that he saw Rolando was behind the line. Johnson said that if you were behind a truck you

should not have been able to see past that truck to see oncoming traffic and if you can see past that truck to oncoming traffic then your truck had to be over the yellow line. Whisenhunt asked how close they were behind the other truck. Brown asked if Holmes was the ground guide and he said no that he was showing Jensen the route. Holmes said in the one arm trash trucks the passengers are on the opposite side of the truck.

Motion by Bothell with second by Brown to rule this as a Preventable Chargeable Collision Incident with three (3) points and add one (1) point for damages and endangering passenger with a total of four (4) points assessed.

AYES: All NAYS: None Motion carried.

G. Virgil McVicker – Solid Waste Collection (8/7/14)

Mr. McVicker was not present. Safety Rep Marlon Johnson was present.

Johnson said McVicker is no longer an employee. Johnson said that McVicker didn't deny smashing the mailbox.

Motion by Bothell with second by Whisenhunt to rule this as Chargeable Damage Incident with one (1) point assessed.

AYES: All NAYS: None Motion carried.

H. Clint Macias- Solid Waste Collection (7/30/14)

Mr. Macias was present. Safety Rep Marlon Johnson was also present.

Mr. Macias said he lined up to back up to the 6yd dumpster on 38th and Cache Road. He said Baxter was backing him up while he was opening the gate and he was supposed to put a rock down to keep the gate open. He said he checked the passenger's side mirror to see if it was open and Baxter waved him on to come back up to the dumpster. Macias said he checked the driver's side mirror to make sure it was clear and it was clear. He said when he looked at the passenger's side mirror again that he had already hit the gate and Baxter was still motioning him to back up. He said Baxter was looking at the dumpster. Bothell said that he was driving one of the newer trucks with a backup camera. Macias said that if you look at the backup camera you won't be able to see your side or the other side, that's why you have the ground guide to make sure. Bothell said that they are a wide view camera. Macias said yes but you can't see anything on the side of the truck. Bothell said so the gate swung into the truck while you were backing up because it wasn't being held open. Macias said yes. Whisenhunt said so the one side had a drop leg to open the gate and the other could have been held open by the ground guide. Macias said yes. Johnson said that Macias had an ear bud on. Johnson said after he talked to Bothell and was told that City Code says no cell phones at all, then he told the drivers. Bothell said DOT says that Commercial drivers are to have no cell phone use including ear buds and the City follows their rules also. Brown asked Macias if he was on

the phone at the time. Macias said no.

Motion by Bothell with second by Whisenhunt to rule this as a Non-Preventable Collision with zero (0) points assessed.

AYES: All NAYS: None Motion carried.

I. Richard Baxter- Solid Waste Collection (7/30/14)

Mr. Baxter was present. Safety Rep Marlon Johnson was also present.

Mr. Baxter said that he backed up Macias and when he opened the right gate and other gate Macias hit the gate. He said that Macias was on the phone without looking at both mirrors. He said Macias was looking at the left side of the mirror and not the right side of the mirror where the fence was and he was going to leave the scene without telling anyone. He told him to call Marlon and let him know what happened. Baxter said Macias doesn't watch what he is doing. Baxter told Macias that he was going to hit the fence and he did. Baxter said he told Macias to stop and he kept backing up. He said he told him to move it up and that is when he hit the fence. Baxter said there is a rock he uses to keep the fence open. He said there is a lip on the rock and one of the employees of the business moved it down the stairs. Wright said that the pictures show a drop leg on one side of the gate. Baxter said yes and that one side he opens from the inside and the other gate he opens from the outside. Baxter said that side he uses the block to keep the right side gate open. He said he uses it to keep the gate open so that the wind won't blow it shut. Whisenhunt asked him why he didn't hold the right side gate open. Baxter said because he was backing him up on the left side. Whisenhunt asked why didn't he back him up on the right side. Baxter said they always tell them to back them up on the left side on the driver's side. Wright said if the block wasn't there for the right side gate wouldn't you think to hold it open. Baxter said he was backing him up and by the time he got over there, the gate was already in the truck. Brown said so you were backing him up and the wind blew the gate on the right side into the truck. Baxter said yes. Brown asked why he didn't get the block and use it. Baxter said he didn't know where it was at the time until after it happened. Whisenhunt said it was his understanding that the ground guide watches the blind side of the driver and on this conventional cab that would be the passenger's side. Baxter said not all the time. Whisenhunt said the blind side was the side that the gate hit the truck. Baxter said they always tell them to back up the driver on the left side. Johnson said that Solid Waste has had meetings and they told ground guides to back up the driver on the blind side. Baxter said he never heard that. Baxter said he doesn't know what he is suppose to do because one person says to back up the driver on the left side and one person says the right side which is the blind side. Baxter said he was backing him up and he hit the gate and he told him to stop but Macias pulled out. Bothell asked Johnson if he has documentation of the meeting. Johnson said yes.

Motion by Whisenhunt with second by Bothell to rule this as a Preventable Collision for a ground guide with two (2) points assessed.

AYES: All NAYS: None Motion carried.

J. Donald Holmes- Solid Waste Collection (7/7/14)

Mr. Holmes was not present. Safety Rep Marlon Johnson was present.

Johnson said Holmes was the ground guide and both he and the driver were out of the truck to pull the cable around to the dumpster. The dumpster was in the bin crooked so Holmes pulled the cable to straighten up the dumpster. The top of the dumpster caught the chain link fence.

Motion by Bothell with second by Whisenhunt to rule this as a Preventable Chargeable Damage Incident for a ground guide with one (1) point assessed.

AYES: All NAYS: None Motion carried.

K. Gene Sovo- Drainage (7/24/14)

Mr. Sovo was not present. Safety Rep Rusty Whisenhunt was present.

Bothell asked if the line was dead. Whisenhunt said Sovo was mowing the very high grass and hit the meter. Whisenhunt said Sovo walked the sight. Brown asked if this happens often and Bothell said yes, every summer. Bothell said with the tall grass they can't cover every inch of it.

Motion by Bothell with second by Whisenhunt to rule this as a Non-Preventable Collision with zero (0) points assessed.

AYES: All NAYS: None Motion carried.

L. Britt Hubbard- SSC (7/26/14)

Mr. Hubbard was not present. Safety Rep Rusty Whisenhunt was present.

Whisenhunt said that Hubbard just made the report. Hubbard got a call that SSC's arrow board had been hit by a vehicle and no one saw who did it. He said this was a hit and run of the City's arrow board.

Motion by Bothell with second by Brown to rule this as a Non-Preventable with zero (0) points assessed.

AYES: All NAYS: None Motion carried.

M. Chris Fairies- WWM (8/14/14)

Mr. Fairies was not present. Safety Rep Rusty Whisenhunt was present.

Whisenhunt said he was on the road and a tire blew out. The tire shredded and hit the fuel filler neck causing damage.

Motion by Bothell with second by Whisenhunt to rule this as a Non-Preventable Collision with zero (0) points assessed.

AYES: All NAYS: None Motion carried.

N. Jesus Velazquez- Animal Welfare (9/3/14)

Mr. Velazquez was present. Safety Rep Roy Rodrick was also present.

Mr. Velazquez said he was driving and a lady ran a stop sign and hit him. He said it happened on 17th going south to Gore Blvd. Bothell said there was \$9000 worth of damage.

Motion by Bothell with second by Brown to rule this as a Non-Preventable Collision with zero (0) points assessed.

AYES: All NAYS: None Motion carried.

O. Stephen Sellman- Neighborhood Svc (8/6/14)

Mr. Sellman was present. Safety Rep Rusty Whisenhunt was also present.

Mr. Sellman said he stopped at a red light and a lady rear ended him. Her car was damaged more and just his bumper was damaged. Sellman said he wasn't injured at all.

Motion by Whisenhunt with second by Brown to rule this as Non-Preventable with zero (0) points assessed.

AYES: All NAYS: None Motion carried.

5. Consider any other accidents reported: None

6. Communication/Discussion:

Bothell said between the three of them they should be able to make a ground guide policy for the employees. Bothell said he will follow up with Jim Bonnarens to have the right equipment for mowing at the lakes and get him the signs to put up.

7. Adjournment:

Motion by Bothell with second by Brown to adjourn the meeting at 2:40 pm.