

Jacksonville Tree Commission  
Meeting Minutes March 8, 2018  
Approved on March 22, 2018

**Commissioners Present:** John Crescimbeni, Chair  
Chris Flagg  
Aaron Glick  
John Pappas  
Rhodes Robinson

**Staff:** Cindy Chism

**Public:** Joe Anderson, JEA  
Tracey Arpen, Greenscape  
Tom Larson, Sierra Club  
John November, Public Trust  
Anna Dooley, Greenscape  
Alicia Grant, Scenic Jacksonville

**Advisors Present:** Sondra Fetner  
Richard Leon  
Kathleen McGovern  
Joel Provenza

A. Meeting was called to order by Chair at 12:00.

1. All present introduced themselves. There is a quorum.
2. Submittal of Speaker's Cards.
3. Motion made by Mr. Robinson, seconded by Mr. Pappas to approve the minutes from February 22, 2018 meeting with scrivener errors corrected. None opposed.
4. Fund balance and encumbrance report for 15(F) and 15(N).
  - a. Mr. Provenza provided a more detailed encumbrance report (Attachment A) which states remaining balance of \$21,573,707 in funds in addition to encumbrances on budgeted line items. If the project is complete, the balance could be returned to the fund of origin.
  - b. Mr. Pappas suggested his Department could send a memo once a project has been completed requesting any residual funds be returned to their origin.
5. Status of Pending Tree Projects (Attachment B)
  - a. Mr. Flagg asked if there was any way to change the Landscape Standard requirements for entry roads to ban the Date Palms. CM Crescimbeni asked for a motion for **Mr. Flagg, Mr. Leon and Ms. Fetner to draft a position statement on the suspension of planting further Date Palms and the reasons for the same.** Motion by Mr. Glick, seconded by Mr. Robinson.
  - b. The floor was opened up to public comment: Joe Anderson, JEA Forester – for your information there is an International Palm Society with a First Coast Chapter here in

Jacksonville. They are scholars and experts on palms. **Mr. Flagg will contact them.**

- c. Tracey Arpen – Perhaps educating the City Council on why Date Palms are not a good tree to plant may help alleviate the requests from City Council. We would also like to see native palms planted in clusters instead of like fence posts down the median.
- d. Alicia Grant, Scenic Jacksonville – Reiterated that they had spoken with Senator Gibson, Legislative Liaison FDOT District 2 and Ken Cheek, Landscape Architect for FDOT District 2. Mr. Cheek indicated they are stopping all the massive palm plantings they had been doing throughout Northeast Florida and Duval County. Ms. Fetner requested the contact information for FDOT District 2.
- e. CM Crescimbeni called for a vote. The motion to draft a position statement was approved unanimously.

## **B. New Business**

### **1. Proposed Project Application Process, Sondra Fetner, Office of General Counsel (Attachment C)**

- a. Discussion who administers the projects – After speaking with Mr. John November, Ms. McGovern, Mr. Leon, Mr. Pappas, the Procurement Division, Parks, Recreation and Community Services Department, and Risk Management Division, here are the two processes recommended to the Commission:
  - i. City Administered projects (Tier 1) would come from a citizen or a business who would be the sponsor, requesting trees in a right of way or public space. These would be treated just like any of our other tree projects. Administered by Ms. McGovern or Mr. Leon, using the Davey Tree contract, which is already in place, everything would be pretty streamlined. That is a way the Tree Commission could review non-Council recommended projects. The projects coming from citizens who are experienced applicants will not need as much scrutiny. Of course we will have to review criteria for each project, but we won't have to determine what contractor they are going use, who's planting the trees, what trees they are requesting, all of these things would be handled in-house. This is squarely within Ms. McGovern's role through the ordinance, to handle projects with the tree fund dollars. There would be criteria for these projects that we would want staff and the Commission to review which we can discuss once we have progressed further on the initial process.
  - ii. Non-City Administered projects (Tier 2). Mr. John November provided quite a few pages of applications and criteria along with a great plan for handling Non-

City Administered projects. Those are the types of projects which would come from groups like Greenscape, who are familiar with trees, and have been planting trees in Jacksonville for decades. They know what they are doing, and they have experience in the field and education. These larger projects will need scrutinizing because we are using public dollars and putting them on public land; we cannot just give away money. There are a lot of questions to be answered. It is up to the Commission to determine qualifications. Mr. November suggested a few; 1) Not-for profit, 2) In existence for at least 1 year, 3) Operates in Duval County. These seemed to be workable.

- iii. Additionally we need to consider if these groups are going to use a separate contractor or will they rely on the Davey Tree contract we have with the City. There is nothing requiring them to use Davey Tree, however, we need to make sure if we are waiving the procurement code there is a good reason. There is a good example from Greenscape: the One Tree, One School project which was a public-private collaboration. There was a lengthy contract between Greenscape and the City which provided for all of the risk management issues we would be concerned with such as indemnification, insurance and compliance with all state, local, federal, and anti-discrimination laws. It also required them to accept three bids and pick the lowest bidder. This contract could be made into a template approved by OGC and Risk Management for use with Non-City Administered projects. The project would also still be overseen by the City Arborist and Public Works.
- iv. Administrative Fees. Should there be administrative fees in Non-City Administered projects and what should the cap be? Should it be a set amount or case by case basis and what are appropriate administrative costs that would be covered by the Tree Fund.
- v. A warranty should be required for all contracts just like the warranty currently in place with Davey Tree, which is a one year warranty. Also, if the plantings require maintenance or irrigation, what is the organization's role and for what length of time?
- vi. CM Crescimbeni asked Greenscape if the One Tree, One School project was put out to bid and if so, did Davey Tree bid on the project. Ms. Anna Dooley from Greenscape, answered that yes, it was put out to bid but Davey Tree declined to bid on the project. The administrative costs for the project were \$50,000 carved out of the budget for the engagement of an employee to scout out the locations and follow up with the contractor. Total project was \$250,000 so the administrative cost was 20% with \$40,000 set aside as contingency. CM Crescimbeni asked Ms. Dooley what the usual administrative fee was for a

project that didn't entail 160+ parcels. Ms. Dooley said she had asked several groups like Greenscape around the country and the amount was usually 10% of overall cost of project. Greenscape provides accountability to Mr. Fred Pope from Public Works Department on how the project funds are distributed.

- vii. CM Crescimbeni asked Mr. Leon about the pricing of the City contract with Davey Tree. The contract is unit pricing, not per tree and includes installation and a 1 year warranty. Davey Tree is required to water the tree throughout the year and if it dies within that year, they are required to replace it. **Mr. Leon was tasked to get the One Tree, One School contract from Greenscape and compare it to the current unit pricing contract with Davey Tree. Mr. Pappas was asked to determine how much we have spent with Davey in trees in each of the last 5 years?**

b. Discussion about who can apply:

- viii. No objections to the 2-tier approach.
- ix. No objection to Tier 1 as it stands.
- x. No objections to requiring Tier 2 to be non-profit.
- xi. No objections to requiring a level of experience in tree planting for Tier 2. Amount to be determined.
- xii. No objections for requiring the submitting group for Tier 2 to be responsible for the project. **Ms. Dooley (Greenscape) offered to provide a Scope of Services which they use for all contracts.**
- xiii. Should the Commission notify the respective Councilmember or should the applicant be required to notify the Councilmember? The Commission could notify the Councilmember via memo when the application is submitted
- xiv. **CM Crescimbeni requested Mr. Flagg and Ms. Fetner to meet with Mr. John November, Mr. Leon or Ms. McGovern and another citizen (not Greenscape) to generate a narrative on the items listed for the Tier 2 applicants. Also discuss criteria for application and approval of projects.**

c. Discussion about how Commission recommendation becomes legislation.

- xv. The code may need to be amended to allow for The Tree Commission recommendations to go straight to Council; otherwise we would need a

Councilmember or the Mayor to sponsor it. In the ordinance code which controls the Tree Fund (15F), there are specific directions for how these funds are to be appropriated (Attachment D, highlighted). The tree fund section of the code requires the Council to request the appropriation; this Commission would be recommending the appropriation. Someone from the Council would then have to file legislation and then the approval of the Directors of the Public Works Department and Parks, Recreation and Community Services Department would be required. There is no guarantee that any future Council appointee may not have some conflicts of interest, i.e., if the Councilmember voted against the project at the Tree Commission but the project was approved anyway.

- xvi. To alleviate this possibility, should a provision be added to this section that would allow the Tree Commission to make requests for appropriation of the Tree Fund to the Council? Still to be considered by Council but not requiring the Director of the Public Works Department or the Director of Parks, Recreation and Community Services Department approval. CM Crescimbeni volunteered to introduce the legislation if the Commission wanted to draft this provision. Mr. Robinson agreed we should try, if we don't we'll be right where we are now having to find a sponsor. Seems it would be quicker and more streamlined. Mr. Pappas added that the ordinance which established the Tree Commission in that title says "to study and make recommendations to the Council regarding the planting of trees" which makes it sound like the Commission should be able to recommend directly to the Council. Ms. Fetner agreed and said it could be argued this was an oversight and this is to make sure the procedure agreed upon in the ordinance establishing the Commission can actually be followed through.
- xvii. Mr. Flagg made a motion for our **legal counsel to develop such legislation that would empower this Commission to submit future legislation authorizing and appropriating dollars for tree planting projects.** Seconded by Mr. Robinson.
- xviii. CM Crescimbeni opened up this question for public comment:
  - 1. Tom Larson, Jacksonville Beach – He agreed that what we were discussing was a good idea but pointed out that if he were going to do a project he would contact his City Council member or an At Large Council member to enlist support for the idea. However, it does seem as though the Council should be receptive to a proposal that the Commission has contemplated, reviewed and deliberated on. He stressed that what we really needed to focus on was how do we enable more sensible planting to happen faster and how do we engage more citizen groups to develop projects and see them to fruition in an economical way for the citizens who are volunteering to guide those projects.

2. John November, Public Trust – When working with Ms. Fetner we did discuss this. There will be potential situations where Council members have other priorities than tree plantings. It would be a shame to have that limit a community tree planting project. However, we did consider having the Councilmember contacted before the project was brought before the Commission. They would then have the opportunity to participate but not be required to be the sponsor.
  3. Alicia Grant – Councilmembers should be included in this application process. The Councilmembers have the option of skipping the Commission entirely and going directly to legislation. It's a courtesy.
  4. Mr. Flagg agrees it will raise the credibility of the Commission.
- xix. CM Crescimbeni called for a vote – the motion passed unanimously. **Ms. Fetner will draft legislation and bring it back to the Commission in 4 four weeks.**
2. Returning residuals to the Tree Fund - CM Crescimbeni met with Ms. Teresa Eichner to discover if a process existed or could be developed to get the residuals from completed projects returned to the funds. There is a process in place already. Ms. Eichner currently conducts audits and has authority to return residuals to the originating fund. She will attend the next meeting and provide some assistance to the Commission.
  3. Shade Tree Subcommittee – A meeting was held with Curtis Hart, Aaron Glick, Tracey Arpen, Lad Hawkins, Alicia Grant and Sondra Fetner (Attachment E). The discussion centered on substituting shade trees for Palm trees. There were about 4 recommendations. CM Crescimbeni asked Mr. Glick if perhaps the Building & Zoning Inspection Chief is interpreting the landscape code and allowing 4 palm trees to equal a shade tree and 2 palms in place of non-shade tree. The discussion centered on fixing a cap on the amount of shade trees planted with palms which was 25% of the required, so 12.5% of the project. Also discussed was clustering the palm trees, if they are planted in a row, obviously there will be no shade, increasing the width of the terminal islands to 8 feet (which is the minimum) would allow a shade tree to thrive and mature and lastly inspection periods for compliance once a project is complete was discussed. **There is a plan to meet again to discuss potentially adding an educational component to the landscape requirements and also to discuss limiting applications for administrative deviations from landscape requirements. Those items will be presented in more detail at the next meeting on March 22<sup>nd</sup>.**
  4. Tree Commission Website, Cindy Chism, Staff

- a. The first two paragraphs of the web page (Attachment G) are taken, first from the City Council page and the second from the Ordinance. Do we want them condensed? It was suggested that the second paragraph be changed to a bullet format and leave the first paragraph alone.
- b. A link to a longer PDF version will be used for biographic information. Mr. Glick, Mr. Pappas and Mr. Cooper will provide a bio.
- c. Add a link to the Tree Commission Ordinance, titled Enabling Legislation.

### **C. Public Comment**

John November, Public Trust – In collaboration with the City there is a Tree Symposium on March 20<sup>th</sup>, at Intuition Aleworks. The professional session is from 3-6 so if there is any tree professionals, planners, anyone who wants to get detailed information about the technology available, they are welcome. Mr. Leon and I will be speaking. Ian Hanou, the CEO and founder of plan-it GEO will be there to answer questions about how the technology was developed and will discuss our survey and additional tools which may be available to the City long term. From 6:00 pm to 8:00 pm will be a meet and greet for the community. If someone from the Tree Commission would like to speak, please let me know. Parks are going to become a larger part of this deal. I recommend someone from Parks, Recreation and Community Services Department sit on the Tree Commission. I know it is not in the legislation but with upcoming projects it's going to become vital for them to have a seat at the table. I've learned bringing people in from the beginning leads to better results. Irrigation is something else we should think about. We did a case by case analysis during the working group session but for citizen projects we want to limit it of course, but we want the trees to survive so it's something we need to think about. Another issue is the size of islands for the trees to survive. There are other communities which have larger islands that actually work. There's a big movement in the development community to change that up where you actually have corridors going through the parking lot instead of weird little places with one tree. Let's have little parks within these parking lots. Web page: there is too much writing on the web page. Tom Larson and I will send staff some technical tricks to allow us to expand and shorten the page. It's important for the Commission to take a proactive responsibility to develop some things that are really important. Mr. Flagg commented that one of the most renowned Urban Foresters, Ed Gillman, is residing in Jacksonville and he would be a wonderful resource to come before the Commission and discuss urban planting, and trends. It's up to us to stay on the cutting edge let's not ignore any opportunities that come before us.

Tracey Arpen, Greenscape – We tend to think about tree plantings as contractor plantings or big trees being planted here and there. If you look around the Stadium, out at I-95 & Hecksher Drive area, I-10 & Roosevelt Ramp area, those weren't trees planted by contractors, those are big trees, Live Oak, Crepe myrtle, Sycamores all sorts of trees all planted by volunteers who came out and planted 3 gallon trees. We got a lot more trees using 3 gallon trees costing \$7-10 each. For those types of projects I don't think it's realistic or necessary to have a warranty

that all the trees are going to survive. We planned for a 20% mortality rate and in reality we only had about 5% mortality. We got a lot more trees in the ground with the low cost. Young trees grow better and have a better chance for survival. These are good projects because they get people involved who then become tree fans and supporters. Hopefully any process you set up to review projects, with regard to warranties, irrigation, and administrative fees will still allow the opportunity to have these types of projects. These get a log of bang for the buck and have become some of the more significant and successful projects from a visual standpoint for a little amount of money.

#### D. Information

- CM Crescimbeni asked if anyone had any additional suggestions for scoring or criteria for the application process.

Mr. Pappas put together a list (Attachment F) from two different sides, maintenance and operations. **Ms. Fetner will look at these and include those applicable in the application.**

- Tallahassee House Bill 521 and Senate Bill 574, Sondra Fetner, Office of General Counsel – The House bill has passed the house and has changed a lot and now has no penalties for trees causing power outages. The bill only deals with tree trimming in the water management districts. The Senate bill has not been assigned to any committees and is essentially dead. Our Duval Delegation Coordinator doesn't believe either of them will pass.
- City Council Ordinance 2018-105 & White Paper, John Pappas, Director Public Works (Attachment H)
- Funding from Florida Forest Service Grant, \$50,875. Assesses the impacts of tree canopy on storm water quantity & quality. Mr. Pappas is hoping to use this assessment for some sort of treatment benefit as we move through our TMDO and DMAT process. This is a matching grant Mr. Leon applied for a year ago. It won't cost the City anything as long as we match man-hours to what they are putting in. We will be reimbursed by the Florida Forest Service. This is strictly looking at water quality and storm water. Green Infrastructure Center will be here several times for meetings. Mr. Leon is putting together a core team with city planners, streets & drainage folks and other interested parties, possibly partnering with JEA. There will be several focus groups strictly looking at how trees affect our storm water and water quality in the City. A report will be generated and shared with the City. Ultimately Mr. Leon would like to put together an Urban Forest Conference with industry professionals to go over the results once this is completed.

- Parking – As this is a Mayor’s Commission and not City Council Commission the City Council Reception Desk cannot validate parking. The Mayor’s office does not validate parking for members of the audience, only for Commission members. If this was a Council Commission, it would be staffed by City Council. Instead we are staffed by the Public Works Department.

**E. Action Items:**

**Ms. Fetner, Mr. Flagg and Mr. Leon will draft a position statement on the suspension of planting further Date Palms and the reasons for it.**

**Mr. Flagg will contact the First Coast Chapter of the International Palm Society.**

**Mr. Leon will get the One Tree, One School contract from Greenscape and compare it to the current unit pricing contract with Davey Tree.**

**Mr. Pappas was asked to determine how much we have spent with Davey Tree in each of the last 5 years?**

**Ms. Dooley will provide a copy of a scope and services used by Greenscape.**

**Mr. Flagg and Ms. Fetner will meet with Mr. November, Mr. Leon or Ms. McGovern and another citizen (not Greenscape) and generate a narrative on the criteria for application and approval of projects for the Tier 2 applicants (Attachments C and F).**

**Shade Tree Subcommittee will present results of their 2<sup>nd</sup> meeting with regards to adding an educational component to the landscape requirements and limiting applications for administrative deviations.**

**Ms. Fetner will draft legislation that would empower this Commission to submit future legislation authorizing and appropriating dollars for tree planting projects. The proposal will be discussed at the Commission meeting on April 12<sup>th</sup>.**

**F. Adjourned 1:50pm.**