

Jacksonville Tree Commission
Wednesday, July 22, 2020 – 9:30 AM
Via Zoom Platform

Commissioners Present:	Chris Flagg, Chair Curtis Hart, Vice Chair Ron Salem John Pappas Mike Robinson Rhodes Robinson	Staff:	Cindy Chism
Advisors:	Susan Grandin, OGC Richard Leon, Urban Forester Kathleen McGovern, City Arborist	Public:	Todd Little, COJ Jill Enz, Parks Joe Anderson, JEA Mike Zafferoni, Liberty Landscape Kirby Oberdorfer, COJ Tracey Arpin, Scenic Jax Dave McDaniel, COJ Sandy Fred Pope, COJ Nicole Mosely, COJ Cristina, Gozar, COJ

1. **Call to Order** - Chair
2. **Roll Call and Verification of Quorum** – Cindy Chism
3. **Submittal of Speaker’s Cards** – Chair
 - a) A raised hand icon as well as waving at the screen will be acknowledged by Chair or Ms. Chism.
4. **Reports:**
 - a) Fund balance and encumbrance report for 15(F) (Ordinance Tree Fund), 15(N) (Charter Tree Fund) and BJP – Cristina Gozar
 - i. \$3,000,000 adjustment and 12 month accounting – Joel Provenza will report at next meeting.
 - b) Status of Pending Tree Projects – Kathleen McGovern
 - c) Fund Status of 630-CITY, Remove & Replace and Level 2 Programs– Richard Leon will report on this once all issues have been worked out with 1Cloud, the new procurement system.
 - i. Project status for 630-CITY; 2306 trees have been planted, 687 which are in progress, and 449 new requests for tree plantings. Site visits are done for every tree by Mr. Little. He sees approximately 30-40 sites per day. Status of Remove & Replace is 372 trees have been planted, 80-85 are in progress and will be planted closer to the Fall.
5. **Action Items:**
 - a) Approval of Minutes from June 24, 2020 meeting – Chair
 - i. Mr. Flagg pointed out that the next meeting was listed as March 18th. Motion to approve minutes with correction Mr. R. Robinson, second by Mr. Hart, none opposed.
 - b) Proposed Level 2 Project(s) – Kathleen McGovern/Todd Little
 - i. Neptune Beach Tree Planting (47 trees)
 1. Presentation – Todd Little

- a. Mr. Pappas asked Mr. Little if this project has taken into account the upcoming Penmen Road Complete Streets study which is about to begin. In addition there is potential for a round-about at Florida and Penman. So trees don't get planted that will have to be removed in the future. Mr. Little responded that the round-about has been taken into consideration. Mr. Hart asked if the circle will take up more than the right-of-way. Mr. Pappas said there may be some corner cuts but for the most part it does remain in the right-of-way. **Mr. Little will get a copy of the plan to Public Works Engineering Division to ensure there is no conflict.**
 2. Public comment – John November – as a Neptune Beach resident, thank you, Staff for this project.
 3. Vote – Motion to approve Neptune Beach Level 2 Tree Planting Project made by Mr. Hart, seconded by Mr. Pappas, none opposed. Motion passed.
- ii. Nathan Krestul Park Tree Planting (34 trees)
1. Presentation – Todd Little
 - a. Mr. Hart acknowledge the contribution Nathan Krestul made to the city. Mr. Pappas agreed this project was good for the community.
 2. Public comment – Tracey Arpin asked if consideration had been taken in choosing the type of trees for this park as it flooded during the last 2 hurricanes. Mr. Little responded that the diagram presented is approximate. If, when they are planting the trees, it becomes obvious the tree is being planted in ground which is muddy, then the location will be adjusted. Jill Enz added the Tree Stewards and a Local Native Plant Society have been focused on this park. These groups are refurbishing a small butterfly garden at the corner where the trail meets San Jose. Also, they have purchased seed and plant material of native plants which are salt tolerant to plant along the banks. Mr. Pope pointed out on the diagram the black splotches indicates areas of poor drainage.
 3. Vote – Motion to approve the project by Mr. Hart, seconded by Mr. Pappas, none opposed. Motion passed.
- iii. Alexandria Oaks Park Tree Planting (15 trees)
1. Presentation – Kathleen McGovern
 - a. Mr. Flagg asked if the Fringe trees being planted are successful. Mr. McGovern replied that yes, the grower is providing wonderful specimens of both the Chinese and the native Fringe trees.
 2. Public comment – None.
 3. Vote – Motion to approve the project from Mr. R. Robinson, seconded by Mr. Pappas, none opposed. Motion passed.
- iv. Greenland Park Tree Planting (53 trees)
1. Presentation – Kathleen McGovern

- a. Mr. Flagg asked about the buffer between the residents and a recreation field; would it behoove us to think more along the lines of Live Oaks continuing along that corner and perhaps put the pockets of Cabbage Palms around the water or somewhere they are more appropriate. Ms. Enz replied that there could be some adjustment with the palms moving closer to the retention basin and the cedar and Live Oaks move closer to the residents. There is a long term plan which will have a trail adjacent to the trees and leave the middle area open for field. Mr. Flagg continued it was just a suggestion.
 2. Public comment – Fred Pope pointed out the houses backing up to the park have very small backyards therefore a Live Oak buffer on that southern side is appropriate. The Cabbage Palms are not going to do much as a buffer there. With regards to the future trail, people using the trail would like to have some type of separation between the buildings and the park.
 3. Vote – Motion made by Mr. Pappas to approve the project, seconded by Mr. Hart, none opposed. Motion passed.
- v. Huntington Forest Park Tree Planting (15 trees)
1. Presentation – Kathleen McGovern
 - a. Mr. Hart asked if this park was previously a pocket park. Mr. Enz agreed it probably was, she does not know the history offhand. Mr. Hart continued, the builder is required to build these parks and they are then turned over to the Home Owners Associations and it becomes a problem because the City doesn't want them. Mr. Flagg added the accessibility is probably limited to walking or bicycling, there doesn't appear to be any parking. Ms. Enz agreed there are bollards which line the road bordering the park. Mr. Flagg continued, these parks are jewels and any time we can enhance them, especially for community use, we certainly should.
 - b. Mr. Hart added the City should have a policy that if a park exceeds a certain area, say 1 acre, or maybe 2, the City should consider accepting them from the development community or taking over these parks, with a budget. The Developers budget in the Home Owner's Association a certain amount for these parks if they become City parks they would better serve the public. CM Salem asked if the decision to not accept the parks is a policy. Mr. Hart replied it has become a policy to not accept them. If the parks are large enough 1-2 acres, the City should consider taking them because they often go un-maintained and then are of no use to anyone. CM Salem continued, if the parks were built for the community, the community should be responsible for them. This is something which should be explored as a City Policy. Perhaps, this should be looked into.
 2. Public comment – Tracey Arpin complimented the use of Long Leaf Pine trees. Jacksonville comes up short in the Park ranking distance to the closest park, because all of our eggs are in the big park basket and none in small pocket parks. What makes areas like San Marco, Avondale and Riverside so appealing to live in are all the pocket parks within walking distance.

3. Vote – Motion to approve made by Mr. Hart, seconded by Mr. Pappas, none opposed. Motion passed.

vi. John Gorrie Dog Park Tree Planting (11 trees)

1. Presentation – Kathleen McGovern
 - a. Mr. Flagg complimented the plan submission.
2. Public comment – Mr. Pope asked when this part of Riverside Park was renamed. Ms. Enz replied this portion of the park was donated by Dolores Weaver Fund to develop as a dog park. This is still part of Riverside Park.
3. Vote – Motion to approve project made by Mr. R. Robinson, seconded by Mr. Hart, none opposed. Motion passed.

6. Old Business

- a) Commission member vacancy – Criteria: Urban Planner or Attorney, should reside in At-Large Council District 1, 2, 3, or 5 - Cindy Chism
 - i. Mr. R. Robinson has suggested an applicant and the application has been sent.
- b) Revisions to Level 3 documents – Limitation of Applicant’s communication with Commissioner’s – Susan Grandin
 - i. The current instruction says “After the initial consultation with the Tree Commission Staff regarding the project, an Applicant shall be prohibited from communicating with Tree Commission members.” Due to the level of communication required between the Applicant and Staff, should the communication be restricted between the Applicant and Commissioners. Mr. Hart said he would have no problem discussing a project if it helps him understand the motivation and the planting plan. Mr. R. Robinson added that sometimes communication prior to the meeting helps both sides work out any little kinks. Mr. Flagg and Mr. Pappas agree with both comments. Any ex-parte conversation must be reported as well as assurances that those conversations are not swaying the vote in any way.
 - ii. Public Comment - None
 - iii. Vote – Mr. Hart made a motion for Ms. Grandin to update the Level 3 instructions to allow communication with Commissioners at any time, seconded by Mr. R. Robinson, none opposed. Motion passed.

7. New Business

- a) Clarification of administrative cost information for Level 3 applications – Susan Grandin/ Fred Pope
 - i. In the Application and the Grant Agreement the type of documentation required from the Applicant is listed but it seems it requires further clarification especially since these projects do not now go before City Council for review, only Staff, this Commission and MBRC. This documentation is comparable to what a commercial contractor helping the City with a landscape planting plan. Therefore a Level 3 Contractor is stepping into the shoes of the City in fulfilling a project we want to do. Maintenance, Risk Management and Financial parts all need to be comparable to any other kind

of project the City gets involved with and pays someone to do. In an effort to be transparent these are the documents the Staff would like to see, mostly like the Commission and MBRC as well in terms of where the money is going for all the different aspects of the project.

- ii. Several projects have now been submitted and reviewed, Mr. Pope continued, and initially we thought a percentage of the construction costs would work but it has become clear that is insufficient information to really judge what the project should require as far as design and administrative fees. As a result, we have determined the process should use fees not based on construction but upon the actual services rendered. Because the Community group is acting as the City's consultant and should be treated as such, providing us a breakdown of all the services required on any project. The services required are going to vary from project to project, using a percentage of the construction costs is not a good way to calculate the fees, i.e., the construction budget could be relatively small but the administrative costs were high because a lot of community outreach was required. This will provide transparency.
- iii. The form is based on the Engineering Division form. There are a number of issues which need to be addressed; site review, user coordination, schematic design, final design, bidding and award, all of these things are needed for each project. For instance if the contract was for 1 year versus 2 year contract there would be more inspections required. With the percentage approach, if the project had 2" trees and then changed to 4" trees, the cost increases significantly with no additional administration hours for the additional fees. So construction really needs to be separated from the administrative and design fees. Each projects' list of services and cost of those services is looked at individually to determine if they are appropriate or not. This is what the City does with all their Consultants. This is the best approach to provide the City with sufficient information to really judge the validity of any particular proposal.
- iv. Mr. Pappas asked would this be a lump sum or billed by the hours used. Mr. Pope replied the hours put into the project are estimated, once the price is negotiated and then that becomes a lump sum number. They would then get paid a percentage of whatever they have completed. It would be a set number once the project was approved.
- v. Mr. Flagg added he thought the form was a good starting point to help the Applicant get organized and see what was required. The complexity on the Level 3 projects will differ from project to project, sometimes the percentage is difficult to determine, and this way the level of detail can be managed to the degree of difficulty. Those projects already submitted remain with the initial approach; this method would be applied to any new projects submitted. Mr. Pope replied, the Equestrian Center, and the 2 projects from Public Trust will remain with the percentage calculation anything submitted going forward will be required to use this process.
- vi. Mr. Hart commented he did not want the negotiation of the administrative fees to hold up a project. I would like the Commission to be able to ultimately make the decision if there is a conflict with the Applicant and the administrative amount. Mr. McDaniel assured the Commission that there shouldn't be any problem finding a resolution to any negotiation issues. Mr. Pope added there is a 3 phase process for Level 3 Application submittals, so there are many opportunities for any issues to be resolved. Phase 1 is a general meeting to discuss the scope of the project, Phase 2 is more conceptual. An approach to fees may be discussed at this point and then Phase 3 is the submission

of the final proposal. By the time we get to Phase 3, all the issues have been worked out and there is very little to say, approval should be just a formality.

- vii. Ms. Grandin added this is a lot like a zoning application, an applicant comes in with an idea and the Planning Department has to accept it. Staff works with the applicant, who wants to be approved. Same thing with the Tree Commission Staff, however Staff is not negotiating the price, they can make suggestions but what we are really asking for is detail on how the price was determined. To go back to the Planning Department analogy, if the Planning Department still doesn't like the design; it still goes to Planning Commission or LUZ for the determination by the collegiate body. The Tree Commission is the collegiate body, whatever the Commission recommends, goes to MBRC, which will take the Tree Commission's recommendation. Because these projects are not going to City Council for approval, it puts more pressure on the Tree Commission to analyze every part of the project; the trees, location, maintenance and all the financial details. Mr. Hart agreed and pointed out the more detail provided the better especially because of the large amounts of money available. It will be up to the Applicant to provide that level of detail.
- viii. Mr. Pappas pointed out that some organizations may not be aware what is required for a Level 3 Project; this breakdown of the details should help them understand everything they are going to be involved with. The goal is to have a great project and get trees in the ground in a great way, and it costs to do that, if we have the details behind it, it ensures we get that great final product at a reasonable price.
- ix. Public Comment – Anna Dooley, Greenscape – We brought a project before the Commission and because of a SNAFU where we thought we had a review and it actually wasn't a review, it was kicked out. So we have been working on that project ever since and we've had very amenable meetings with Staff, we feel we are in a good spot right now. I agree with Curtis Hart that adding more levels of bureaucracy is only going to make this harder for community organizations to fulfill our mission which is planting trees in Jacksonville which is also your mission through the Commission to spend the money wisely for planting trees.
- x. Ms. Dooley continued, one problem is it's like an evolving exercise. I'm hoping that now the latest rendition of how things are to be accounted for is going to be a keeper because I can live with that. I love transparency, I love order, I want to be accountable but along those lines the rules keep changing so it's hard to keep up. I have the Equestrian Center; we're just about ready now. I think we have met enough, the last meeting results just received and we can comply with pretty much everything on there except for the accountability for our hours. Because as many as of you know, this is a 3 year project we have been working on. We don't keep track of our hours because it was never considered a necessity; we've never allocated our hours in the past. I can comply with all of the latest conditions that were levied on us from Public Works except for providing hours. We are in a position where that's the only way we can recoup our time and our future time will be by estimating a percentage from the cost so that will be coming before you but I wanted to state exactly why that is the way it is.
- xi. We have another project we will be submitting hopefully in the near future, that one we are keeping track of our hours so we will be able to provide the information Mr. Pope is wanting on that form. Thank you very much for all of your efforts and time. I think we all have the same goal and we're trying our best. Mr. Flagg replied that the past is the past and we don't want to change horses, that

project has been submitted once and you're working on a resubmittal, the last thing we want to do is give you more parameters to follow when you've already submitted. That's not going to be the case. We look forward to seeing the Equestrian Center again and appreciate your patience. Yes, you are absolutely right this is an evolving exercise and we're trying to do the best we can with what we have but we also want to put into place criteria which will help us and help you. There are Staff who can assist from the City if there are levels of detail which become perplexing in any way, the resources are available.

- xii. John November, Public Trust – Very pleased we will have clear direction on what we are doing in terms of administrative fees. For my 2 projects, the bids we received are lower than we proposed on the contract. Its a little ironic that for the Level 3 Project we are getting \$5000, \$7000-\$10,000 and the contractors for the Level 1 and Level 2 projects will probably be walking away with millions of dollars at the end of this year. I don't mind the scrutiny and transparency, but when you look at it holistically and the entire project for how much we will likely be saving the City over time, sometimes it better to work smarter than harder, so hours may not be the perfect projection for the quality of work the City is going to get. I'm happy to move with that project, of course the City is going to have in the back of their mind, what percentage does that equate to, as long as we're looking at this from a reasonable perspective and having the fee equal the amount of services performed I think we'll be in good shape. I have faith that with the Urban Forestry Department that they will treat us fairly so I'm very optimistic about these next steps. Mr. Flagg agreed and remarked the whole point of this is fairness; we want to be as fair as we can.
- xiii. Ms. Grandin added that the Commission should vote on the form however if a single word has to change does the whole form need to come before the Commission to make such a minor a change. What the Commission may want to require is "substantially the same form as" is what is typically put in legislation. Mr. November requested the document in Excel or Word so the Applicant could complete it.
- xiv. Mr. Pope asked the Commission when the "time clock" for this form should begin. For instance, if a Consultant is preparing a proposal which is not part of the design fee, it's more their overhead, the question is what do we pay for. Ms. Dooley responded this is an example of what happens; there are too many changes, Mr. Pope is now making another change to something we thought was settled. We can't continue to conceive of projects, work with Community Groups and City Council people to improve what they want with the tree canopy if the rules are constantly changing and the forms are coming out in bulk. For once John November and I are on the same page, you can hear in his voice as in mine, the frustration. We are the two organizations coming to the Tree Commission, we are valid, we do what we are supposed to do and you can tell how frustrated we are. Adding another level of bureaucracy is just insane. Mr. Pope replied this was not another level of bureaucracy; it was refining the whole approach with a new form. As issues come up, we are trying to address them so that there is a consistent approach to all the projects. In order to give the Community Groups a better opportunity to refine their project and not spend a lot of time up front, we've created the 3 Phase process; a very basic project and we can recommend yes or no or here's a better alternative, with no time spent at the beginning; the 2nd phase doesn't require that much detail, by the time they get ready to spend the money/time to create the final submittal, that's

- already been worked out, so the time should be limited as far as the amount involved in putting together a submittal. This is the issue for the Commission to decide, when this clock starts.
- xv. Tracey Arpen – Time spent is time spent and if it's a Community Group coming to Greenscape with an idea and they begin spending time on it, that's time they've spent on it. I don't believe there should be an arbitrary starting point somewhere down the road. There will be some projects where time will be invested and either because there is no Community support or the organization decides that's not where they want to go, they have lost that time. However, if there is a project which has been put together and brought to the Tree Commission, all the time they spent should be factored in to what their reasonable fee is. So all the time away from other projects while developing this one you will not recover because of this arbitrary starting point for measuring your fee. Mr. Pope responded that the process is set up where the amount of detail required for submittal to the Commission is not that great a burden. It's after financial approval of the project is when the nitty-gritty detail is required. Which is what we're trying to address, how do we keep the time involved by the Applicant to a minimum until that financial approval. It's not helpful if we get an almost complete Application from the very beginning.
- xvi. Anna Dooley – I submitted a package with apparently too much information. It was a very professional report, bound, notebook with drawings, pricing, narratives and shot right past all 3 of the Phases that we're supposed to be going through. I thought the more information the better. Sorry I didn't go through the protocol of the 3 phases. Mr. Leon responded, the detailed plan was delivered the night before the conceptual Zoom meeting, so there was no time to go over it. The purpose of the conceptual meeting is to determine if the project is one which should be pursued. The 3 Phase process was developed with the Greenscape staff in a meeting before COVID. So Staff believed there was a consensus with Greenscape that no projects would be developed until after the conceptual meeting. Is it common for a Consultant to be paid for their proposal? Is the work put into the development of a proposal typically reimbursed? Ms. Dooley said she does not recall that process being developed at that meeting. That meeting was very traumatic for her.
- xvii. Tracey Arpen – I thought the point was to get trees in the ground and get Community groups involved in planting trees, if you are asking them to invest a lot their time upfront without any recompense, it's going to discourage groups from doing that. I almost wonder if there isn't an effort to cut the non-profits out of the planning process and the City wants to do all the planting themselves. Because I sure don't see much of an effort to help non-profits be involved in the process to get reimbursed for a reasonable amount of their time. We should be simplifying the process where we can, adequately compensate non-profits a fair amount and keep in mind they are still going to come in cheaper than if you hired a design firm to contract it all.
- xviii. Mr. Flagg reiterated we are trying to establish additional parameters so the level of detail is known by the Commission and the Applicant. In addition this will also show the level of complexity of variances and cost. The forms will remain substantially the same format, subject to possible revisions as necessitated by use. We want to make sure we cover where and when and how the City's money is fairly distributed. We are trying to remain as transparent, open and as fair as we can from both sides. There are processes and people in place which can advise and help but also we want to go through a conceptual phase to understand whether or not a project is viable, should we

get paid for that, in real business, no; it's called Marketing costs. Once the project moves forward that's when you make the decisions which incur hours and costs.

- xix. Vote –Mr. Hart made a motion to use these forms with them remaining substantially as shown, seconded by Mr. Pappas, none opposed. Motion passed.

8. Public Comment

- i. Mr. Hart asked for a subcommittee to be formed to ensure the decisions being made at the Commission now are in line with what the Planning & Development Department, Landscape Division's plan for the City. Someone from Landscape Division should either be on the Commission or at least have someone attend the meetings to report back as to the implementation of rules the Commission passes. Ms. Grandin reminded the Commission that there was a staff committee working on revising the Landscape Code, which includes members from the Landscape Division. The staff committee has met twice since COVID; subpart A is completed and subpart B is in process, the goal is to have the suggested revisions completed by the August Tree Commission meeting. There are many things we are taking into consideration; the Shade Tree Committee, including the one-to-one rule, the Don't Over-Prune Committee and all the other things which have been discussed. We are trying to meld it into a coherent group of rules.

- 9. Adjournment** – the next ZOOM meeting is scheduled for Tuesday, August 11th.