

Jacksonville Tree Commission
Wednesday July 21, 2021 – 9:30 AM
Approved September 22, 2021
Via Zoom Platform & In Person

Commissioners Present:

Chris Flagg, Chair
Curtis Hart, Vice Chair
Mike Robinson
Rhodes Robinson
Susan Fraser
John Pappas
CM Ron Salem

Staff: Cindy Chism

Public: Joe Anderson, JEA
Tracey Arpen, Scenic Jax
Fred Pope, COJ
Courtney Wilson, Greenscape
Mike Zaffaroni, Liberty Landscape
John November, Public Trust
Jeff Lucovsky, COJ

Advisors:

Susan Grandin, OGC
Richard Leon, Urban Forester Manager
Kathleen McGovern, City Arborist
Joel Provenza, Finance

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.
 - b) For those attending in person, paper speakers’ cards are available.
4. **Reports:**
 - a) Fund balance and encumbrance report for 15(F) (Ordinance Tree Fund), 15(N) (Charter Tree Fund) and BJP (Attachment A)
 - i. Mr. Hart asked if the fines which are currently being collected deposited into the mitigation account. Mr. Provenza will investigate and report at the next meeting.
 - b) Status of Pending Tree Projects (Attachment B) – Kathleen McGovern
 - c) Fund Status of 630-CITY, Remove & Replace and Level 2 Programs– Richard Leon
 - i. Remove & Replace; there are \$19,000 left with the Replacement contractor. No purchase orders are being replenished at this time due to the Hazardous Tree Contract being out for bid. There is 1.2 million in the Remove & Replace account.
 - ii. 630-CITY has \$435,000 remaining which has been encumbered with our Contractor. During this heatwave, a random sampling of the health of the trees planted through this program; 64% are in excellent condition, 15% in good condition, 8% in fair condition, 4% in poor condition 4% are dead and 5% are missing. Is the 9% loss rate acceptable, yes. There is a high probability the 8% which are in poor condition or dead, is due to a lack watering despite everything done to get the homeowner’s agreement to care for the tree(s). Ms. Fraser suggested when the Contractor removes the watering bag at the 3-month point, perhaps they could report on the health of the tree. Mr. Leon agreed and added perhaps a flyer or door hanger could be designed specifically for the 3-month point.

5. Action Items:

a) Approval of Minutes from June 16, 2021 meeting – Chair

- i. Motion made by Mr. Pappas, seconded by Mr. R. Robinson, none opposed.

b) Proposed Level 2 Project(s)

i. Fort Caroline Road Tree Planting Project (Attachment C)– Kathleen McGovern

1. Presentation – CM Ferraro suggested this project to replenish the trees next to the road. Due to the existing swale, the plantings will be closer to the sidewalk. Acrylic root barriers, 20 ft per tree, will be used to ensure no damage to the sidewalk. There will be a 2-year contract on these trees.
 - a. Mr. Hart suggested staggering the trees. Mr. Pappas pointed out there was a safe zone to keep in mind. Ms. McGovern said she would investigate the possibility.
2. Public Comment –
3. Vote – Motion to approve the Fort Caroline Road Tree Planting project as presented made by CM Salem, seconded by Mr. Pappas, none opposed.

ii. Norfolk Soutel Intersection Tree Planting Project (Attachment D)– Kathleen McGovern

1. Presentation – This is a CRA project, the King's/Soutel. There were existing palms which the community requested to replace. Ms. McGovern suggested Overcup Oak and the Sabal Palm which the board approved. There are also existing Crape Myrtles in the right of way which will be replaced due to poor health.
 - a. Ms. Fraser pointed out that with the 9 ft median, within 20 years an Oak tree will have to be replaced because their root zone is just too confined. Ms. McGovern replied the Overcup Oaks the Contractor gets from Select Trees is a variety which is particularly urban, heat tolerant and is a bit narrower. It is specifically designed for urban use and has been used in Washington DC and throughout the Eastern Seaboard and are doing well but we will monitor them carefully.
2. Public Comment – None.
3. Vote – Motion to approve made by Mr. Hart, seconded by Mr. M. Robinson, none opposed.

6. Old Business

a) Status of Level 3 Program Document Revisions – Susan Grandin

- i. The change to the Greenscape's Level 3 contract was approved by the Committees. It was expanded to include all future contracts for Level 3 Projects; instead of the contract being a reimbursement to the subcontractors, now they get paid on an invoiced and work performed basis. The work is performed, the Contractor invoices the Applicant who turns the invoices in to the City, the City pays the Applicant and they pay the Contractor.
- ii. The overall Level 3 Program Document revisions are not quite finished but will incorporate the above changes including a release of lien in case there is only 1 payout.

- iii. CM Salem suggested grouping all Tree Commission changes and requests all together. As members of the Commission has said they would like to attend and perhaps brief the Council Members on the Commission programs, the 2 committees which would be best to attend are Neighborhoods and Finance, that should get a large spread of Council Members. Also, because of the cost of putting a bill through the system, combining everything into 1 bill. Mr. Flagg commented that a presentation should be developed, Ms. Grandin will schedule a meeting.

7. New Business

a) Status of Sulzbacher Level 3 Tree Planting Project (Attachment E) – Fred Pope

- i. Deferred until next meeting.

b) Status of Huguenot Park Level 3 Tree Planting Project (Attachment F) – John November/Richard Leon

- i. Mr. November said there were some serious stumbling blocks with this project, and the fault was his. Huguenot Park was probably not the best place for a project due to the brutal environment. Level 3 Projects should be helpful to Staff and unfortunately the opposite happened. A lot could be due to being the guinea pig for the Level 3 Project Process however planting subquality trees is not acceptable. This should not happen again in the future with a more experience project manager and contractor. There are a lot of possibilities for Level 3 Projects. It should be possible to avoid many of the stumbling blocks we encountered since the process has been refined.
- ii. Some of the Lessons Learned: 1) if a full Landscape Plan had been done after the project was approved, many of the issues could have been avoided before they became problems. 2) Experienced professionals are critical.
- iii. Mr. Leon said the contract was cancelled due to poor performance. One of the City's Contract Attorneys worked out a settlement. The Project started several months later than anticipated; It had been expected the project would be completed in November however the first inspection was in February. The quality of trees and labor were poor, a punch list was given to the Applicant. The second inspection was in May; there were several dead trees, many still planted improperly, and trees previously approved were now dead. The option was to keep replacing trees all summer long but given the harsh conditions of the site and the season as well as the issues with the Contractor planting trees improperly it seemed best to terminate the contract due to poor performance. Parks Department has been told if they would like to keep watering the trees, Mowing & Landscape Division would remove any dead trees at the end of the hot season.
- iv. Ms. Fraser asked how we help our non-profit partners do better next time. Ms. Grandin pointed out it's important for the Applicant to communicate with the City as to when they will plant, someone has to approve the quality of the material, check the quality of the planting soon after planting, but the timing of the actual planting is critical. Ms. Fraser said having an RFQ for Contractors and for Landscape Consultants, so the non-profits, who do not do this routinely, have a list of people who will do a good job. It is our responsible to give the Applicant the tools to select from 10 good Contractors instead of leaving it so much to chance.
- v. Mr. Leon added, we pay an administrative fee for them to take control of the project. Ms. Fraser agreed but they are not qualified. If the Commission wants these partners to go out and find projects and communicate with the Community and make that work so the City doesn't do it all, the

City needs to create a platform so they can be successful. Mr. Pappas continued, if the Commissioners know successful design consultants, and contractors perhaps we define a list.

- vi. Ms. Fraser continued there can be complications at different levels, so have level of qualification for a contractor; all the people who do this at a level that's not large projects, they will still be eligible but there is project cut offs at this level of complexity. At that point we should required the Applicant to select from the list approved by the Commission and no one else. If we don't want the next Level 3 to be the same, through no one's fault except not being qualified to select the personnel able to do the work, can we help them make better choices.
- vii. Ms. Grandin asked if the City has lists of pre-qualified people and is it done annually. Mr. Pappas responded, from a Public Works standpoint we have continuous contract with a selection for a consultant or contractor for the entire year. Procurement has pre-qualification criteria for individuals to bid on projects. There could be some component of pre-qualification the Commission could provide guidance for non-profits for Level 3 Projects. Ms. Fraser asked if the Commission could generate an RFQ which says we spend 1 million per year, if you want to be a Landscape Architect for any of those projects, submit your qualifications.
- viii. Ms. Grandin said perhaps it should be 2 levels: Complexity 1 and Complexity 2 for the designers and Complexity 1 and Complexity 2 for the Contractors. So, there would be 4 lists: there's a list of 5 or 10 pre-qualified. The non-profit would select a designer and a contractor from each list, respectively.
- ix. Mr. M. Robinson suggested in the Conceptual meeting for the proposed Level 3 project, depending on the size of the project, the Applicant could run the designer and contractor they plan to use by Staff who could either approve or make suggestions.
- x. Mr. Hart said in the private sector, an Engineer is hired who designs the project. He is pre-approved by the Committee. Another Engineer is then hired, not related to the firm of the first Engineer and he oversees the work being done, checking quality. Mr. Flagg added the designer needs to be the administrator of the contract as well. It's his design. He's the go-between who takes the pressure off Staff. Mr. Hart continued, and the designer needs to sign off before any draw is paid.
- xi. Ms. Grandin said the current process is: There is a conceptual and a schematic; the schematic comes before the Commission with an estimated budget. It may be the same Landscape Architect which drew the schematic that does the construction or not. Upon approval by the Commission, and MBRC, then the Applicant can hire a new Landscape Architect or keep the same one who then draws the construction documents which goes out to bid. It doesn't have to be the same Landscape Architect. Ms. Fraser pointed out that's where the problem arises, all the jumping around. Mr. Flagg agreed, there's professional technicalities related to that as well, different liabilities, and responsibilities. Ms. Grandin asked for clarification; Ms. Fraser said any Landscape Architect could draw the schematic but once the construction documents are done, he's the guy.
- xii. Mr. Flagg stated its basically a design/build contract. That person needs to be responsible. The onus needs to be taken off of the Applicant and Staff. That's the professional go-between we are paying fees to ensure we get quality performance.

c) Status of Equestrian Center Level 3 Tree Planting Project (Attachment G) – Kathleen McGovern

- i. Ms. McGovern said there was a delay due to permits and rain but it is underway. The removals are completed, and utilities have been located. Mr. M. Robinson, Ms. McGovern, the Contractor and Tim Jones, the manager, met onsite, flagged everything, field adjusted some things. The tree rings were expanded to 10 ft and are 70% complete. Irrigation is in progress. Baring weather delays things seem to be going well. Mr. M. Robinson commented the Equestrian center is very well used, over 50-60 events per year.

8. Public Comment –

- a) None.

9. Adjournment – the next meeting is Wednesday August 18th and will be a Hybrid/Zoom meeting in Ed Ball Building, 10th floor, Public Works Office, conference room 5,