

Jacksonville Tree Commission
Meeting Minutes November 20, 2019
Approved December 18, 2019

Commissioners Present:	Chris Flagg, Chair Curtis Hart, Vice Chair Mike Robinson Rhodes Robinson Ron Salem Aaron Glick John Pappas	Staff:	Cindy Chism
Advisors:	Susan Grandin, OGC Kathleen McGovern, City Arborist Richard Leon, Urban Forest Manager Joel Provenza, Accounting	Public:	Fred Pope, City of Jacksonville Jason Phitides, City of Jacksonville Bch John November, Public Trust Nikki Evans, COJ City Council Todd Little, Public Works Tracey Arpen, Greenscape Mike Zafaroni, Liberty Landscape Courtney Wilson, Greenscape Sean Jackson, Allstar Irrigation Kristina Wright, City of Neptune Bch Buck Pittman, PLA Brian Burket, COJ, Parks

- 1. Call to Order** - Chair
- 2. Roll Call and Verification of Quorum** - Chair
- 3. Submittal of Speaker's Cards** – Chair
- 4. Form 8B Memorandum of Voting Conflict for Local Public Officers for Mike Robinson**
(Attachment A) – this form is for use by any person serving at the county, city or other local level of government on an appointed or elected board, council, commission, authority or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interested under Section 112.3143, Florida Statutes. The responsibilities under the law when faced with voting on a measure in which there is a conflict of interest will vary greatly depending on whether the position is elective or appointive. For this reason please pay close attention to the instructions on this form before completing and filing.
Disclosure of Local Officer's Interest – Mr. Michael Robinson disclosed that approval of a Level 3 Planting Project was coming before the Tree Commission which inured to his special private gain or loss. The project before the Tree Commission pertaining to the Jacksonville Equestrian Center that has been submitted by Greenscape of Jacksonville, Inc., was designed by Mr. M. Robinson. If it is approved and brought to construction, Greenscape intends to compensate him for his work. The terms of compensation have not been finalized between Greenscape and Mr. M. Robinson. In addition to the design work, his services will be contracted for construction scheduling and inspection for this project. Signed by Mr. M. Robinson on November 20th, 2019.
- 5. Reports:**
 - a) Fund balance and encumbrance report for 15(F), 15(N) and BJP (Attachment B)** – Joel Provenza

- i. The Commission had requested the report include a description of the difference between the last meeting fund balances and the current fund balance. There is a positive net difference of \$323,000+ which represents primarily revenue and includes an appropriation of \$14,000 for a watering trailer.
 - ii. Mr. Flagg asked Mr. Provenza if it was possible to provide balances for all of the programs with funds currently allocated. Ms. Grandin added due to the various programs, Level 1, Level 2 and Remove & Replace, it may be helpful for the Commission to know the balance of each program every meeting. Mr. Provenza does not have a way to monitor those numbers using the General Leger. **Ms. Grandin and Mr. Provenza will research how to track the spending of these programs for the Commission.**
- b) Status of Pending Tree Projects (Attachment C)– Kathleen McGovern
- c) COJ Urban Forestry Website – Richard Leon
 - i. The website address is coj.net/trees.
- d) Remove and Replace Program Additional Fund Appropriation – Susan Grandin
 - i. CM Salem put in a bill for another \$2 Million dollars which has been approved. This program is for removing dead, diseased or dying trees in the ROW or in Parks and replace it with a new tree within 100 ft.
- e) Level 2 Program Status (Attachment C)– Kathleen McGovern
 - i. The Level 2 projects show a balance of \$555,000. The Attachment shows the projects which are encumbered as well as 2 scheduled to go before MBRC and 1 which comes before the Commission today, making the total Level 2 encumbrance approximately \$817,000. There are a couple more coming up which will easily encumber the remainder of the \$1 million appropriation. It took less than a year to spend the original appropriation of \$1 million so within the next month a new appropriation should be submitted. Mr. Leon suggested appropriating \$2 million. Mr. Hart made a motion, seconded by Mr. Pappas, with none opposed. **Ms. Grandin will draw up the legislation for CM Salem to introduce to City Council.**

6. Action Items:

- a) Approval of Minutes from September 18, 2019 meeting – Chair
 - i. Mr. Hart made a motion to approve the September 18 minutes, seconded by Mr. Pappas, none opposed.
- b) Proposed Level 2 Project
 - i. Jacksonville Beach Golf Course Park (Attachment D)
 - 1. Presentation – Richard Leon

- a. There was a major renovation of the Golf Course last year. A lot of trees were lost due to Hurricane's Irma and Matthew. The City of Jacksonville Beach would like to add trees for aesthetics, safety and wildlife. They have planted almost 100 trees using their own funds and would like us to supplement those plantings. They also have onsite maintenance staff dedicated to the care of trees. Their Landscape Designer has designed the plan which shows all trees within existing irrigation zones and so uses the minimal warranty period. Their maintenance staff has already agreed to assume the maintenance at the end of the warranty period.
- b. Mr. Hart asked about the 10% contingency charge listed on the bid. How does the Tree Commission or Staff define contingency. Mr. Leon responded that contingency was considered for things unforeseen, for instance, a tree was ordered and planted but during the planting process something was underground so the tree needs to be relocated. Mr. Hart isn't sure contingencies should be allowed or if allowed how are they authorized.
- c. CM Salem pointed out there should be an approval process beyond just one person; whether that is 3 Commission members or some other process. Mr. Flagg asked if the amount was arbitrarily established. Mr. Pope replied 10% is the standard often used. Mr. McDaniel added, the City controls the money however if we run into an abandoned irrigation system and 40ft of pipe have to be removed before the trees can be planted, then contingency funds would be requested. Mr. Pappas agreed there should be a process but it cannot be too cumbersome which will delay work and increase costs.
- d. Ms. Grandin added that when the project is submitted to MBRC, a condition can be added that approval is required for any contingency monies. Mr. Hart added if contingency is defined as a change-order then the current process for change orders will apply.
- e. Mr. R. Robinson made a motion to approve the Jacksonville Beach Golf Course Park Level 2 tree planting project, seconded by Mr. Glick.

2. Public comment - None

3. Vote – None opposed.

c) Proposed Level 3 Projects

i. Equestrian Center (Attachment E)

1. Presentation – Mike Robinson

- a. Greenscape was approached by the Equestrian Center in March 2018 to plant additional trees around the site. After several meetings, a plan was developed which consists of planting 136 trees in 7 planting zones. 36 will be planted by a contractor leaving 100 to be planted by volunteers.
- b. Addressing some of the comments on the Staff Report; the tree locations were vetted through the Equestrian Center; in zone 1 - the large vacant area; the trees were set 20 ft off of pavement because the existing trees, planted 20+ years ago, are not doing well. Staff recommended 30 ft. Adjustments will be made once work commences. Zone 5 Arena – Staff questioned the use of Tulip Poplar – this tree will tolerate a wetter soil and a variety of PH. Zone 2 Planting - Elms and Live Oaks (Entrance) – The current Live Oaks planted there are doing very well. The question about Sabal Palms in the east entrance tree island; the intent is to remove the Shumard Oaks and replace them with the palms. The Equestrian Center requested a green screen around the compost heap and Red Cedar is scheduled to be planted.
- c. Greenscape will warranty the volunteer plantings for 1 year and the contractor will warranty what he plants, also for 1 year.
- d. Mr. Pope commented that approximately 20% of the trees currently planted on the site have been there 20+ years but look like they were planted last week. Staff was very concerned with type and location of the trees being suggested. Such as the Tulip Poplar which wants a lot of water so must be planted in an area with good drainage. Staff suggests using the most hardy trees available because of the soil conditions and doesn't believe the Applicant has done that.
- e. Cost Estimate Analysis – all items in red are suggested by Staff to amended or added. Attachment F details how the hourly rates, reflected on the Cost Estimate Analysis, were calculated. With the revisions, the amount the Commission will be voting on is \$200,000.
- f. Mr. Flagg expressed concern about the lack of information provided on the Application. Mr. Pope pointed out at the last Commission meeting Staff was directed to have their reports completed and ready for presentation at this meeting. The

reports are completed and may be approved with conditions, for instance, more information or detail.

- g. Mr. Hart clarified; the Applicant requested \$170,000 but Mr. Pope is suggesting they should be requesting \$200,000. Mr. Pope added that these are not to exceed numbers. Mr. Hart pointed out it will be hard to approve more than the Applicant asked for, i.e., Mr. Pope's numbers. Mr. Arpen added that Mr. Pope included \$47,000 additional projected costs for the additional 1 year maintenance on the volunteer plantings (\$20,000) and \$27,000 for soil replacement. Mr. Pope continued, there is very high concern about the soil conditions on the site. Staff doesn't want to spend all the funds and then have a large failure rate. The soil is bad, let's just replace it as part of the project to ensure a successful project. Mr. M. Robinson agreed.
- h. Mr. November asked if it was possible to work through the cost with staff before the presentation. Mr. Pope answered that was one of the problems. A more specific process needs to be established. For instance, Greenscape didn't contact staff to discuss the Equestrian Center project. If there was a process with a checklist as far as information required so everyone is aware of the expectations of what we need to see. Mr. November suggested Greenscape, Public Trust and Staff, a small working group in a publicly noticed meeting develop a process and checklist for Level 3 Applications.
- i. Mr. Hart agreed. The Equestrian Center project submission is incomplete and not ready for approval yet. Mr. Flagg agreed but added that some of this we brought on ourselves by insisting on the project submission at this meeting specifically to work through this process. Ms. Grandin added that even though the scoring should happen at this meeting, the Application instructions state, with an underline, that the Applicant is strongly encouraged to meet with staff. It appears that did not occur, so there is no uniform format. Perhaps this project should be deferred until next month and give the Applicant and Staff a chance to work through all the insufficiencies.
- j. Mr. M. Robinson said Greenscape submitted the project on September 1 and there was a meeting with some of staff to review the project. No communication from staff until a phone call the first week of November. Greenscape will be happy to work through any issues but doesn't want to delay another month

before going to MBRC which then means that no plantings will be done until March.

- k. Mr. Flagg asked the Commission members what their opinions were regarding approval of the Equestrian Center Project:
Rhodes Robinson – Defer
Curtis Hart – Approve but fix the insufficiencies before next meeting
John Pappas - Approve however what has been discussed is something which should have all been done before it came before the Commission. There should be no “No” boxes checked.
Aaron Glick – Agree with Mr. Pappas.
- l. Ms. Grandin pointed out that if the scoring was not done then the project would not go to MBRC but come back before the Commission next month. The Commission could direct Greenscape to meet with staff to iron out the insufficiencies and then come back before the Commission next month. Mr. Glick suggested the Commission wait to score until Greenscape has met with staff. Mr. Hart made a motion to defer the project, seconded by Mr. Glick.

2. Public comment

- a. Mr. Tracey Arpen – I think a lot of the disagreement on the project is design stuff and can be worked out. There is a fundamental issue on the design and admin fees. Last meeting it was discussed that the ones in the pipeline were not going to go through Fred’s process which is used for consultants not for contractors of itemizing your hours. Because this is the first project going through this process, Greenscape’s estimate for admin costs which Fred listed as \$30,000 but was actually \$20,000, is based on the hundreds of projects they have done over the years. Fred’s estimate is way off on what’s involved in admin time and cost regarding volunteer coordination, follow-up inspections, entering data in Plan-It GEO. We at Greenscape know there is a lot involved in these projects; the care and feeding of volunteers and the coordination with contractors.

3. Vote - none opposed; 1 abstain; Motion to defer the Equestrian Center Project has passed.

4. Scoring - score sheets collected, tallied and announced –OGC - DEFERRED

ii. Salzbacher Center (Attachment G)

1. Presentation - John November

- a. The Salzbacher Village is a wonderful location for women and children who are trying to start their lives over. The idea of providing them an enhanced street scape would make them feel proud.
- b. Scenic Jacksonville has agreed to contribute up to \$3000 to plant a flower garden under the shade trees which Salzbacher Village and Scenic Jacksonville have agreed to maintain and irrigate in the long term. This project will be done independently of the tree planting project.
- c. Some of the shade trees have been replaced with palm trees at the suggestion of Staff due to space considerations.
- d. There is existing irrigation which Salzbacher Village has agreed to allow us to tie into. That will have to be contracted for once the project has been awarded.
- e. A contingency fee was not included but Public Trust won't object to adding it.
- f. Mr. Hart suggested the contingency fee be added. The construction number suggested by Mr. Pope will be used. So the numbers will read: \$63,448 Total Tree & Irrigation Costs plus \$6900 administrative costs, plus \$1950 for design construction inspection costs making the total request for the project of \$72,298. Mr. Flagg pointed out these changes in cost should be completed before coming before the Commission. Mr. Leon added in the future there shouldn't be a spread sheet from Mr. Pope, there should only be the Staff Report with any questions.
- g. **Mr. Flagg asked the Commissioner's to score the project. Ms. Grandin will compile the scores. Mr. Hart made a motion to approve the project, seconded by Mr. R. Robinson, none opposed.**

2. Public comment – None.

3. Scoring - score sheets collected, tallied and announced –OGC

- a. The maximum available points for Sulzbacher was 110, since it was within the Plan-it Geo area. The Plan-it Geo score was 17 (4+2+4+4+3).

- b. The total raw score was 94.3 averaging all the Commissioner's score sheets. Expressed as a percentage of the overall maximum points available, the SCORE IS 86.

iii. Huguenot Park –

1. Presentation - John November

- a. Huguenot Park lost a lot of trees during the last couple of hurricanes. The project places the trees in a manner to provide some wind protection. The project is broken down into 4 phases. The Dolores Weaver Fund has committed \$2000 for the planting of a butterfly garden next to the playground. The irrigation will be accomplished using the City's water truck. The Parks department has been working closely with Public Trust for this project using salt tolerant trees.
- b. Brian Burket, from Parks Department told the Commission the project was broken up into 4 phases so the staff was not overburdened with watering. The separate phases will also allow for the adjustment of the plan as time goes on.
- c. Mr. November requested funding all 4 phases of the project, then if phase 1 doesn't go well, then the project gets reevaluated.
- d. After staff evaluation, all the numbers looked good; the main concern was the viability of the project and the planting location. Mr. Leon is not convinced that planting trees in this area is smart. That is the main reason the project was split into 4 phases to see the mortality rate in the environment. Staff suggestion is to only fund phase 1 at this time. Contingent on that success, then revisit the remaining phases of the project.
- e. Mr. Glick asked about the species of trees for each phase. Mr. November answered it is the same species for all phases. Mr. Hart asked if Public Trust would be willing to only do 1 phase. Mr. November said he would be disappointed but would like to try. Mr. Hart asked how quickly we would know if phase 1 failed or succeeded. Mr. Leon responded at least 1 year. The main concern is the soil quality which was put there through dredging.
- f. Mr. R. Robinson added that the ecology of this area is very specialized. If the trees are planted individually the mortality rate will be high because of the salt exposure. A year may not be enough. The phased approach is the best approach on this to

minimize the risk and exposure. Mr. M. Robinson agreed the phased approach is the way to go.

- g. Mr. November pointed out the project is phased. Please approve and fund all 4 phases so we don't have to come before the Council again. Before phase 2 begins approval could be sought from Staff and the Commission. Mr. Flagg clarified all 4 phases would be approved and funded but only phase 1 monies would be released. Then the project would come before the Commission before the next phase began.
- h. Mr. Pappas asked about the timing before going on to the next phase; 1 year or 2. Mr. November responded Staff told him 1 phase per year. Mr. Pappas added that if it was 2 years, would the costs budgeted still be good. Mr. Flagg said that if the whole amount was approved, then they would have to work within that amount, whether it took 2 years or 4. Mr. Pope added that the project will take 4 years no matter what; 1 phase per year. Mr. Pappas would approve the whole project contingent upon the Commission authorizing whether the next phase will begin and when.
- i. Mr. Flagg pointed out as stewards of the Tree Funds; the charge is to promote the City's tree canopy. This project is requesting a lot of those funds but doesn't meet the public benefit requirement on the Staff Report (D1). More information is required from Staff regarding the tree canopy. The species of trees scheduled to be planted are small. Mr. M. Robinson pointed out that in this environment, Barrier Island, shade trees are not possible so that standard is invalid. For the environment these trees are to be planted in, ocean front, they do benefit the canopy.
- j. **Mr. Hart made a motion for approval of Phase 1 only with Public Trust re-submitting the remaining 3 Phase's contingent on how viable Phase 1 is according to staff input. The funding for Phase 1 is \$105,587 for 1 year. Motion seconded by Mr. Pappas.**
- k. Mr. Glick asked what the benefit of not approving all 4 phases at this time was. Mr. Hart responded there are 2 processes; the Tree Commission and a political process. Once the Tree Commission is done, then the political process begins. If all 4 phases are approved, we will have approved \$370,000 to be spent on 4 phases and if the first phase failed, the perception is bad. But if in a year you come back with a success story then you get the other 3 years funded and it's not a problem.

- I. Motion passed, none opposed.
2. Public comment - None
3. Scoring - score sheets collected, tallied and announced –OGC
 - a. The maximum available points for Huguenot Park were 90, since it falls outside of the Plan-it Geo model. The model apparently does not include rural areas of the City.
 - b. The total raw score was 67.7 averaging all the Commissioner’s score sheets. Expressed as a percentage of the overall maximum points available, the SCORE is 75.

7. Old Business

8. New Business

- a) Going forward the process for Level 3 Presentation of applications will be review of Staff Report from Staff, then the Applicant responds to any concerns; Application is scored by Commissioners then vote is taken. Mr. Leon will summarize the Staff’s review vice having 2 spread sheets to review. Mr. Flagg continued that all the cost issues and contingency issues need to be resolved before the Applications come before the Commission. If any Commission members have any suggestions on how to streamline this process please forward them to Ms. Chism.
- b) Mr. Hart would like a discussion on what staff looks for in a project and how best to score a Level 3 Project.
- c) Level 1 Vote – Mr. Leon reported the \$1.6 million of the original appropriation has been encumbered, half of which has been planted. We are requesting another \$2 million for this project. There are 200 trees which have been committed for planting which we do not have funding for and 517 new requests. Mr. R. Robinson made a motion to approve, seconded by Mr. Glick, none opposed. **Ms. Grandin will generate the legislation for more funding for the Level 1 Program.**

9. Public Comment – None (due to meeting length).

10. Adjournment – the next meeting is December 18th.