

Jacksonville Tree Commission
Meeting Minutes February 14,, 2019
Approved March 14, 2019

Commissioners Present:	John Crescimbeni, Chair Curtis Hart, Vice Chair John Pappas Rhodes Robinson Chris Flagg Aaron Glick Mike Robinson	Staff:	Cindy Chism
Advisors:	Susan Grandin, OGC Kathleen McGovern, City Arborist Joel Provenza, Accounting Richard Leon, Urban Forest Manager	Public:	Sam Mousa, CAO Dave McDaniel, Public Works John November, Public Trust Joe Anderson, JEA Forester Jeff Lucovsky, Planning & Dev Tom Goldsbury, Building Insp Leslie Pierpont, Late Bloomers Alfred Romeo, Native & Uncommon Plants Tracey Arpen, City Beautiful Jax

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

1. All present introduced themselves for the record.

- a. Mr. Mousa addressed the Tree Commission regarding the bids for the Countywide Tree Planting contract. Mr. Mousa believes the unknown of where in the county and how many trees they will be required to plant is causing the bidders to increase their cost per tree to cover risk of the unknown.
- b. In addition, a provision in the specification says the City is not required to buy a tree from the contractor. Mr. Mousa suggested a limit be added that states the City will purchase a minimum number of trees and not single increments. With regard to the Level 1 Tree Planting Program, the plantings will be grouped by location and a minimum number of trees will be requested at a time.
- c. There is a current bid that does not include any of these conditions. One option is to issue an addendum that specifies a minimum number of trees. The other option is to terminate this bid and re-issue the specification and break it into four districts of the City, i.e., North, South, East and West. This option would alleviate the potential risk of the contractor possibly having to plant single trees in difference areas of the County.
- d. Mr. Pappas pointed out that the current contract is countywide. If they broke it down into areas, it would allow for more control. CM Crescimbeni clarified; the current specification could be amended for minimum number of trees but could not split the county up into quadrants. In this case, the current specification would have to be withdrawn and then four different specifications issued.
- e. Mr. McDaniel said the bid closes on February 27, 2019. However, separate bids have also been issued for the Mandarin and Springfield planting projects. They have received one bid that was lower than either of the submissions on the previous countywide contract. Mr. McDaniel said that the problem with the specification is most likely with the one- or two-year warranty and watering requirement. Mr. Leon added that they should include that all Level 1 plantings as well as Remove & Replace jobs would have a maximum three-month warranty. Mr. M. Robinson asked how many Level 1 requests had been submitted. Ms.

McGovern said approximately 50-60 and they expect more once the program is advertised. Mr. M. Robinson asked if the intent is to “bundle” the Level 1 requests. Mr. Leon said yes.

f. CM Crescimbeni asked if a minimum purchase number is implemented, would that apply to all levels? Mr. McDaniel said they would still bundle the trees for planting. CM Crescimbeni also questioned if the bidders understood there were different levels of programs. Mr. Leon said the programs were explained at the non-mandatory, pre-bid conference. If a bidder did not attend, they would not be aware.

g. Mr. Pappas suggested an addendum be added to the current bid that would require a minimum purchase of trees and then create separate packages for each of the larger projects and put them out separately. CM Crescimbeni further defined the addendum as a minimum number of trees for Levels 2 and 3 and a different minimum number for Level 1. Perhaps two price sheets; one for Level 1 projects and another for projects within a 20-block area. Mr. McDaniel said they could do the addendum for a minimum purchase of trees and will work with the contractor to bundle the plantings. Mr. Leon added that the previous contractor said the main reason their first bid prices were so high was due to the warranty and watering requirements. By reducing the warranty options to three months, one year, and two years, the issue should be alleviated. All Level 1 and Remove & Replace projects will require a maximum warranty of three months.

h. CM Crescimbeni asked the Commissioners if there were any objections to limiting the warranty to a maximum of three months for the Level 1 and the Remove & Replace projects. There were no objections. **The Procurement Division will be consulted on the process to add an addendum to the current bid specification.**

2. Submittal of Speaker’s Cards.
3. Motion made by Mr. Hart, seconded by Mr. Flagg, for approval of minutes from January 24, 2019 meeting with corrections noted by Ms. Grandin. None opposed.
 - a. Ms. Grandin asked about item 3 of the action items on page 4; the word “staff” should be added after “Tree Commission” so the applicant will discuss their conceptual and preliminary ideas with staff before presentation to the Tree Commission. The same changes will be made on page 2 item i.
4. Fund balance and encumbrance report for 15(F), 15(N) and BJP (Attachment A) – Joel Provenza.
5. Status of Pending Tree Projects (Attachment B) – Kathleen McGovern.
 - a. CM Crescimbeni asked Ms. McGovern to report on Level 1 and Level 2 (Attachment C) projects at all future Tree Commission meetings.
6. Status of Countywide Tree Planting Contract – Dave McDaniel
 - a. See A.1. above.

B. New Business

1. Community Tree Planting Program Level 2 Forms (Attachment D) and Status of Legislation
 - a. Ms. Grandin said the Legislation has been filed, Bill 2019-89. It is going to have a public hearing for City Council on February 26th and it will go through committees the beginning of March.
2. Committee on Unauthorized Tree Pruning/Removal (Attachment E) – M. Robinson

- a. This subject has expanded into several additional areas including the definition of “public protected trees” and “required private protected trees”; CM Crescimbeni asked the Tree Commission members to please review attachment D and send any comments to Ms. Grandin.

The following were deferred at the November 8th meeting and fall under the Committee’s purview:

- a. 656.1207 – Tree Protection during Development
 - i. The previous discussion was about inspections of the structure of the barricades and timing of the inspection process. Mr. Lucovsky said there are three inspections: verification of tree survey, tree barricade, and landscape final. The tree barricade inspection is a verification that what was submitted to the Planning and Development Department on the civil plans matches what is actually barricaded on the site. There was discussion about adding an inspection eleven months out to verify that preserved trees and any planted trees are still alive, as well as any hedges.
 - ii. Mr. Hart asked if there were many developers not requesting the tree barricade inspection. Mr. Goldsbury said he had not heard it was a problem and suggested a change be made in the case of a developer requesting any inspection normally completed after a tree barricade inspection. If the tree barricade inspection has not been requested or completed, no other inspections will be done until the tree barricade inspection has been completed. Mr. Lucovsky added that at the landscape final inspection, any damage to a tree is noted and the developer is then required to pay the mitigation.
- b. 656.1206 and 656.1212(c) – Definition of Public Protected Trees and Required Private Protected Trees – Susan Grandin.
 - i. Please see Attachment E, 3.b proposal for revision of the definition of a Protected Tree in Section 656.1203.

3. Water Truck/Trailer Purchase – Susan Grandin

- a. The question was if the City could use Tree Fund dollars to purchase a watering trailer. Ms. Grandin said yes, please see Attachment F. **Mr. McDaniel and Mr. Leon will pursue the purchase of the trailer with the Tree Commission’s approval at the next meeting. Ms. Grandin will update the memorandum to reflect using additional Tree Fund monies, not the 25% currently being allocated to Public Works and then draft a bill for introduction.**

4. Level 3 Instructions - Definitions (Attachment F). Mr. M. Robinson pointed out that the word “certified” needs to be removed from in front of “Urban Forester” and the word “certified” in front of “Arborist” needs to be capitalized. **Ms. Grandin will make the noted changes.**

In the application schedule table and instructions, there is a reference to a second meeting in February, a second meeting in June, and a second meeting in October. **Ms. Grandin will update application schedule table to reflect the current meeting schedule.**

C. Public Comment

John November – Timeline for the Huguenot Park and Betts Tiger Point projects; the standard timeline is to have the application in by May 1st, but the goal is to have either one or both of those projects considered by the Tree Commission at the May 9th meeting. Ms. McGovern said staff prefers submissions to be in at least three weeks early.

Mr. November addressed the Level 3 Application and said he’s not sure that it’s clear that for each project, the applicant is supposed to provide a proposed ‘not to exceed’ amount for three months, one year, and two year warranties. This needs to be clarified in the application and in the agreement (Attachment I), page 23 Exhibit E.3

and 4. CM Crescimbeni pointed out that it should be in the application instructions, not the agreement. There will have to be six blanks to fill out and the Tree Commission will make a decision as to which one to choose. If the submitted application doesn't include irrigation, "N/A" should suffice. **Ms. Grandin will add the cost requirement for three months, one year, and two year warranties (with and without irrigation) to the application instructions.**

Waiver requirements - The way this process works, the applicant would go to staff and request the waiver. Staff preliminarily says yes before the waiver request goes to the Tree Commission for a final policy call. Approval or suggestions for something different are made at that time.

Bond Information – Mr. November met with two bond companies; any non-profit that provides a bond will have to pay 2-3% of the cost of the total project. That may create a barrier for entry for some but the companies agreed that it is very wise on the City's part to have the bond. In the industry it's called a "warranty bond", not "performance bond". Mr. Pappas said that the difference is that a warranty bond would cover through the end of the warranty whereas a performance bond would ensure that the work contracted for gets done. Mr. November said, generally, a warranty bond is included as a cost price of the bond for up to one year after the project. There is additional cost for a second year. Mr. November suggested they substitute the word warranty for performance throughout the agreement. **Ms. Grandin will go through the documents and check if any substitutions, "warranty" for "performance", should be made.** Mr. November also recommended that, though it is not required, it is preferred that at least three weeks be given to staff for their review. Ms. McGovern agreed and **asked Ms. Grandin to insert "a minimum of three weeks" for staff review.**

Leslie Pierpont – Several years ago she owned a native plant nursery. She sold it about five years ago to Alfred Romo. She asked him to come today because she believes he may be our Level 1 contractor.

D. Action Items

Mr. McDaniel will consult the Procurement Division on the process to add an addendum to the current bid specification. It will include purchase of a minimum number of trees and bundled plantings. The warranty options will be changed to three months, one year, and two years with all Level 1 and Remove & Replace projects having no more than a three-month warranty.

Tree Commission members please review notes from the Committee on Unauthorized Tree Pruning/Removal (Attachment D) and send any comments to Ms. Grandin. Be prepared to discuss at the March 14th meeting.

Ms. Grandin will remove the word "certified" from in front of "Urban Forester" and capitalize "Certified" in front of "Arborist" in the Level 3 instruction definitions.

Ms. Grandin will update the application schedule table in the Level 3 instructions to reflect the current meeting schedule.

Ms. Grandin will add that the applicant will obtain cost requirement for three months, one year, and two years (with and without irrigation) to the Level 3 application instructions.

Ms. Grandin will review the Level 3 instructions, application and agreement to determine if any substitutions, "warranty" for "performance", should be made.

Ms. Grandin will insert "a minimum of three weeks" for staff review to Level 3 instructions.

Mr. McDaniel and Mr. Leon will pursue the purchase of the watering trailer with the Tree Commission approval at the next meeting.

Ms. Grandin will update the watering trailer memorandum to reflect using additional Tree Fund monies, not the 25% currently being allocated to Public Works and then draft a bill for introduction.

E. Adjourned 1:38