

Jacksonville Tree Commission
Meeting Minutes April 11, 2019
Approved May 9, 2019

Commissioners Present:	John Crescimbeni, Chair Chris Flagg Rhodes Robinson John Pappas Mike Robinson	Staff:	Cindy Chism
Advisors:	Susan Grandin, OGC Kathleen McGovern, City Arborist Joel Provenza, Accounting Richard Leon, Urban Forest Manager	Public:	Tom Larson, Sierra Club John November, Public Trust Joe Anderson, JEA Fred Pope, Public Works Leslie Pierpont, Late Bloomers Susan Caven, Scenic Jacksonville Tracey Arpen, Greenscape Karen McCombs, Scenic Jacksonville

- A.** Meeting was called to Order by Chair at 12:12 PM.
1. All present introduced themselves for the record.
 2. Submittal of Speaker's Cards.
 3. Correction to March 14 minutes from M. Robinson on page 2, B.1.a, typographical error on last line. Motion made by Mr. M. Robinson, seconded by Mr. Flagg, for approval of minutes with noted correction from March 14, 2019 meeting. None opposed.
 4. Fund balance and encumbrance report for 15(F), 15(N) and BJP (Attachment A) – Joel Provenza.
 5. Status of Pending Tree Projects including Levels 1 and 2 (Attachment B) – Kathleen McGovern.
 - a. The Level 1 list has been reviewed and consolidated. Each issue will be investigated and scheduled with the countywide contractor. Mr. Larson asked about the 2020 estimated completion date. Ms. McGovern said the request will most likely be completed before that date.
 - b. The Level 2 table has not changed. All Commissioners should have received applications and scoring sheets for Tree Hill Nature Center and Sheffield Elementary School.
 6. Status of Countywide Tree Planting Contract – Richard Leon for Dave McDaniel
 - a. Mr. Leon said contracts have been awarded; the minimal warranty contract (three months) has been awarded to Liberty Landscape and the one year warranty contract has been awarded to Davey Tree. Both contracts are being drafted by the Office of General Counsel, and then out for signature. An additional RFP is being issued for a two year warranty contract.
 - b. CM Crescimbeni asked about the RAP Re-leaf contract and the Level 2 projects. Ms. McGovern said there were no bids for that RFP so this project will be done under the countywide one year warranty contract. Most of the Level 2 projects will be done under the one year warranty contract. However, Tree Hill Nature Center will be on the three month contract.

- c. Mr. Pope pointed out the unit prices listed on the contracts are very high, particularly on 15 gallon units. When a community organization puts out a project for bid, in many cases they will get cheaper prices than the countywide contract for Level 3 Projects.
- d. Mr. November asked if the unit prices are available to the public. **Ms. McGovern said that she has a spreadsheet and will see about making it available on the Tree Commission web page.**

B. New Business

1. Green Infrastructure Center (GIC) Completion Report – Richard Leon
 - a. The report should be available for the next Tree Commission meeting and will include analysis of policies and ordinances.
 - b. GIC received a grant from the Arbor Day Foundation for \$20,000, and are partnering with Groundwork Jax using the grant to install a couple of bio-swales along the S-line. Groundwork Jax will also submit a Level 2 project to plant around the bio-swales.
 - c. The Texas Forest Service requested Mr. Leon to speak at the Texas Trees Conference in September 2019. The talk is titled ‘How the Largest City in America Manages Their Trees’.
2. Committee on Unauthorized Tree Pruning/Removal – M. Robinson
 - a. There have not been any additional meetings, however Mr. Goldsbury responded to his action items (Attachment C). A subsequent meeting will be held before the next Tree Commission Meeting.
3. Level 3 Documents Final Approval of April version of Instructions (Attachment D), Application (Attachment E) and Agreement (Attachment F).
 - a. Mr. M. Robinson noted that in the instructions on page 3, the Schematic Planting Plan requires a scaled drawing. Does it need to be a scaled drawing versus a schematic? Mr. Flagg said it should be a scaled drawing from an area perspective. Mr. Pappas agreed; the dimensions are critical to ensure that the project will fit in the proposed area. CM Crescimbeni added that the Level 2 drawings are coming from the Mowing and Landscape Division – are they to scale? Ms. McGovern responded that the applicant can also submit a schematic; however, the drawing the Commissioners received was not to scale. The Level 2 legislation does not say the drawing has to be to scale.
 - b. Mr. M. Robinson pointed out that in the instructions (on page 6, 6.c.3) there is no mention of the three bid minimum, however, it is mentioned in the application. **Ms. Grandin will add the following requirement** “and bid out the implementation to a minimum of three bids.”
 - c. Mr. M. Robinson said on page 7 in the Instructions (8.c.) the third and fourth sentences are confusing. Ms. Grandin advised there are six choices: three month warranty, irrigated; three month warranty, non-irrigated; one year warranty, irrigated; one year warranty, non-irrigated; two year warranty, irrigated; and two year warranty, non-irrigated. **Ms. Grandin will rearrange the sentences to clarify the requirements.**
 - d. Mr. M. Robinson noted that in the application (page 3, 5.a.) it asks the applicant to describe the requirements to keep planted trees healthy; what are we asking the applicant to tell us? Mr. Larson said more information may be required than just irrigation. **CM Crescimbeni added that he would investigate his notes from prior meetings for the discussion on this issue. This question will be discussed further at the next Tree Commission meeting.**
 - e. Mr. M. Robinson asked if exhibit 2 on page 7 of the application is only required to show who from the organization is authorized to sign the agreement. Ms. Grandin agreed that was the case.

- f. Mr. M. Robinson also asked if exhibit 2 on page 8 of the application may be completed and then emailed. Ms. Grandin agreed that would be fine.
- g. Mr. M. Robinson asked what the website was for exhibit 6 on page 11 of the application. **Ms. Chism will provide Ms. Grandin with the Tree Commission website information.**
- h. Mr. M. Robinson asked about 5.1(a) of Article V of the agreement; who is the “architect” referring too? Mr. M. Robinson is asking if instead of “architect”, perhaps it should be “contractor” or “applicant”. **Ms. Grandin will investigate with Mr. Pope to determine who specifically “architect” is referring too.**
- i. Mr. M. Robinson pointed the group to page 23, Exhibit E, 4. of the agreement. This has to do with securing the performance and payment bond. Mr. M. Robinson thought a previous discussion concluded the bond was only required if the project was over \$100,000. Ms. Grandin replied, the Statute says the Tree Commission may waive the requirement if the project is less than \$100,000 but they must take the affirmative step to do that. CM Crescimbeni added that the first word of the item should be “Contractor” not “Contract”. **Ms. Grandin will make that correction.** Mr. Pope continued; with regard to a non-profit group, they are responsible for completing the project. If for some reason the contractor goes out of business, the non-profit is now responsible for the completion of the project. It’s in the non-profit’s best interest to have a performance for payment bond, even if it is a small project.
- j. Mr. November asked for the Tree Commission’s guidance regarding performance bonds. If the project is \$25,000, will the Tree Commission require a bond? Mr. Pappas added that if there is no bond, the risk actually falls back to the City and the applicant. **Mr. R. Robinson suggested listing the bond as a separate line item so there will be no question regarding the administrative costs.**

4. Level 2 Projects

- a. CM Crescimbeni asked if Sheffield Elementary responded to the question regarding adverse impact for utilities and sightline (number 6 on the scoring sheet). Ms. McGovern said she has not received confirmation but will follow-up with them. CM Crescimbeni asked if there was supposed to be a maintenance column added to the Approved Tree List. **The maintenance requirement will be added to the scoring sheet and the Approved Tree List. The Approved Tree List will be alphabetized by genus name.**
- b. Tree Hill Planting Project – Mr. Pappas asked about the less than 25% palm tree requirement. Ms. McGovern said the Executive Director is using the cabbage palms to guide the pedestrians to the next path. This area is laden with utilities. This is why shade trees (because of their root spread) were not selected.
- c. CM Crescimbeni suggested a brief explanation paragraph be included for each project going forward. In addition, neither project “provided high visibility” (D.3 on the Scoring Sheet).
- d. Scoring sheets for Tree Hill Nature Center were collected and given to Ms. Grandin for tabulation. The absent Commissioner’s will not be submitting a scoring sheet. The Commissioner’s will put their names on their sheet.
- e. **Ms. McGovern will revise the scoring sheets to include a final recommendation and change to a points system instead of yes/no.**

5. Incidental Landscaping and Irrigation for Level 3 Planting Projects – Mr. November

- a. Mr. November presented a proposal for the amount spent on incidental landscaping. Incidental landscaping means, per Ms. Grandin’s memo, “a small amount of landscaping such as ground cover, sod or mulch that is related to the location of the tree.” Upon further discussions with the City’s Urban Forest staff, as well as various citizens, the consensus was that the hard cost of the trees should be 80% of the total cost of the project. All other material costs for the project should be no more than 20% and fall within the future dripline of mature trees. This defines the amount spent on incidental landscaping

but broadens the choice of what may be included on a case-by-case basis. For example, if the project is non-irrigated, mulch or something very low maintenance would be used. However, if irrigation is available, then a simple ground cover may be used.

- b. Ms. Grandin added that her previous legal memo did not address the cost. What Mr. November is suggesting was that a maximum of 20% should be going towards incidental landscaping out of the entire plant material cost. Setting some type of maximum is not a bad suggestion. "Incidental landscaping" definition is not limited to just ground cover.
 - c. CM Crescimbeni asked if the definition of "incidental" is in the Ordinance Code or the Charter. Ms. Grandin said it was not defined in either. CM Crescimbeni said he would prefer establishing policy in the Ordinance Code.
 - d. Mr. November suggested the Tree Commission provide a guideline of up to 20% of incidental landscaping all to be considered on a case-by-case basis. It must be sustainable. CM Crescimbeni pointed out the City Council should set some guidelines in this area, not the Tree Commission. Mr. November proposed the Tree Commission as the subject matter experts to develop that possible recommendation. CM Crescimbeni suggested he ask his Council colleagues.
 - e. Mr. Arpen reminded the Commissioners that even though it is incidental landscaping, it is still being installed with tree mitigation funds. The incidental landscaping ought to have some benefit to the tree; either producing oxygen or extending its life.
 - f. Mr. Pope said the City has no extra funding to take care of anything new. As far as the maintenance budget allows, there is nothing to spend on this type of landscaping. It is a short term venture unless there is a permanent entity that can guarantee maintenance of the incidental landscaping.
 - g. Ms. Grandin suggested if this was something they wanted the Council to consider, perhaps the Tree Commission could determine the percentage and the parameters required, such as a maintenance agreement.
 - h. Mr. November reiterated: the tree fund will not fund any incidental landscaping. If incidental landscaping is desired, no more than 5-10% of the total material cost may be spent on it and the funds must come from an outside donor. There must also be a full maintenance agreement with whatever entity is going to agree to maintain it.
6. Public Works Tree Replacement Programs (Attachment G) – Susan Grandin
- a. An action item from the last meeting was to determine if trees requested for a median would fall under one of these programs. The answer falls under the Remove and Replace program, item 1.b.iv. **CM Crescimbeni asked Ms. Grandin to issue a legal memo which specifically states that medians are a permitted planting site with regard to this program.** Mr. Leon will relay this information to Mr. McDaniel.

C. Public Comment

Mr. November used his public comment for proposing a maximum limit for incidental landscaping (see item 5. above)

D. Action Items

Ms. McGovern will post the unit price spreadsheet on the Tree Commission web page.

Ms. Grandin will add the following "and bid out the implementation to a minimum of 3 bids" to Level 3 Instructions, page 6, 6.c.3.

Ms. Grandin will rearrange the sentences on page 7 in the Level 3 Instructions, 8.c.to clarify the requirement.

CM Crescimbeni will investigate his notes from prior meetings for the discussion on the requirements to keep planted trees healthy, page 3 of the Level 3 Application, 5.a. This question will be further discussed at the next Tree Commission meeting.

Ms. Chism will provide Ms. Grandin with the Tree Commission website information to be included for Exhibit 6, page 11 of the Level 3 application.

Ms. Grandin and Mr. Pope will investigate to determine who specifically “architect” is referring too in 5.1(a) of Article V, page 4, of the Level 3 Agreement.

Ms. Grandin will correct the first word of exhibit E, 4. Page 23, of the Level 3 Agreement which should be “Contractor” not “Contract”.

Mr. R. Robinson suggested listing the bond as a separate line item so there will be no question regarding the administrative costs.

Ms. McGovern will add the maintenance requirement to the Level 2 Scoring sheet and the Approved Tree List.

Ms. McGovern will alphabetize, by genus name, the Approved Tree List.

Ms. McGovern will revise the scoring sheets to include a final recommendation and change to a points system instead of yes/no.

Ms. Grandin will issue a legal memo which specifically states that medians are a permitted planting site within the Remove and Replace program.

E. Adjourned – the next meeting is scheduled for May 9, 2019.