

Jacksonville Tree Commission  
Wednesday December 21, 2022 – 9:30 AM  
Approved February 15, 2023  
Via Zoom Platform & In Person

<b>Commissioners Present:</b>	Chris Flagg, Chair Mike Robinson, Vice Chair Susan Fraser Steve Long Rhodes Robinson Curtis Hart	<b>Staff:</b>	Cindy Chism
<b>Advisors:</b>	Susan Grandin, OGC Justin Gearhart, City Arborist Jose Regueiro, Finance	<b>Public:</b>	Todd Little, COJ Tracey Arpen, Scenic Jax Mike Zaffaroni, Liberty Landscape Kelly O’Leary, Liberty Landscape Dana Duty, Jax Arboretum John November, Public Trust Joe Anderson, JEA Christine Nichel, Scott Dolan, Liberty Landscape Dave McDaniel, 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.
- 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. Regueiro said the September report was the last report submitted due to the year end close. October just closed, that report will be forthcoming in the next week to the email thread.
  - ii. Mr. Gearhart said the old projects closed, which had remaining funds to roll back into the Tree Funds, are listed in a memo addressed to Marcia Saulo, page 2. Additionally, there are contingencies in the Remove & Replace program we are trying to get rolled back in as well.
  - iii. Ms. Fraser suggested once the old projects funds are rolled back in the respective fund, a total could be reported for each fund. Mr. Gearhart agreed.
  - iv. Mr. Hart said closing a job to me means unused funds have been returned to the original source. That’s what closed means. Mr. Long said what he understood when he read the memo was the project has been closed and a request has been made to finance to return the unused funds. This document is an internal document. Once the funds have been returned, the total will be presented.
  - v. Mr. Regueiro said all monies returned are always returned to the fund it originated from.
  - vi. Mr. Flagg suggested an oversight review of the financials Mr. Gearhart is assembling. Ms. Grandin suggested a meeting with herself, Mr. Flagg, and Mr. Gearhart to discuss what the Tree Commission

would like to see. Ms. Grandin continued, the finance people see the big picture, Mr. Gearhart sees the granular detail. We need somewhere in the middle, so it all shows up on 1 report.

- vii. Ms. Grandin added, the definitions are *Appropriation* which is what the City Council does. This puts funds into the different program buckets. Then the funds are *Allocated* by the Tree Commission through MBRC for their approval. Once the contract is let the funds are then *Encumbered*, and a purchase order is issued. Mr. Gearhart will correct the definitions listed at the bottom of his spreadsheet.
  - viii. Ms. Fraser suggested a meeting to discuss the format of the existing financial report to include Ms. Grandin, Mr. Philip Peterson, Mr. Regueiro, and Mr. Gearhart. Perhaps the week before the next Tree Commission meeting. Ms. Chism will schedule a meeting.
- b) Fund Status of 630-CITY, Remove & Replace and Level 2 Programs (Attachment C) – Justin Gearhart
- i. This will be the spreadsheet used going forward to keep track of all projects. Mr. M. Robinson pointed out a possible typo on page 4, Hanna Park. Mr. Gearhart will correct the error.
  - ii. Ms. Fraser said the term allocated funds is misleading. Allocated funds are in the bucket for projects already but they are not encumbered yet, so it is possible to “spend the funds twice.” Mr. Gearhart suggested adding a column to the spreadsheet which says Allocated, then Encumbered and then Remainder also adding a date when it was approved for Allocation. Ms. Fraser and Ms. Grandin agreed, separate totals.
- c) Status of Pending Level 2 Tree Projects (Attachment B) – Justin Gearhart
- i. Mr. Hart asked the status of the Districts 5 and 7 Tree Planting Projects, approved in March/April 2022? Mr. Gearhart wasn’t sure if those projects have gotten MBRC approval yet, though Parks Dept. has not requested a purchase order; the status still shows as Procurement. Mr. Hart continued, the projects were approved in April and still have not completed the process, is that normal? Mr. McDaniel said part of the issue is the transition of the Mowing & Landscape Arborist, Ms. McGovern, moving to Parks Dept. to become their Project Manager/Arborist. The projects which were in progress as the Mowing & Landscape Arborist went with her to the Parks Dept.
  - ii. Mr. Long said things in the right-of-way and things of that nature are handled by the Mowing & Landscape Arborist, Mr. Gearhart. Things in Parks are handled by their Project Manager/Arborist, Ms. McGovern. The Commission would need to ask Ms. McGovern to report the status on the projects to the Commission. Mr. Hart suggested reallocating the funds from those projects; it’s been 8 months since the Commission approved them and they have yet to go to MBRC. That sounds like there is no desire to complete the projects.
  - iii. Ms. Grandin said if it’s in procurement then it’s been through MBRC. Mr. Long asked if they required design. Mr. Gearhart said they had been designed when they were submitted. Mr. Long asked if they were going out for full-fledged bid. Mr. Gearhart said that’s what he was told.
  - iv. Ms. Fraser pointed out that the Commission has allocated funding and the administration of many large projects to someone in the Parks Dept. could we ask them to attend our meetings? Mr. Long agreed. Mr. Hart added the projects were approved in April and nothing had been done, perhaps those 2 projects need to be brought back and re-evaluated.

- v. Mr. R. Robinson suggested setting a start data when a project is approved. Mr. Hart asked if the funds are still available for the projects? Mr. Gearhart said the funds are allocated in the Level 2 Tree Planting Projects bucket but has not yet been encumbered because a purchase order has not been issued. Mr. Hart said there is a major break in the system if it takes a year to get planting started after approval.
- vi. Mr. McDaniel said when Ms. McGovern moved to Parks Dept. she put her own bid out to Procurement for Parks. Mr. Hart said, when it leaves the Commission there should be some type of clear path of when the trees will be planted, what the process is. Ms. Fraser suggested some type of timeline, so this doesn't happen again. Mr. Hart thought the process worked like this; the Commission approves a project, there is already an approved contractor with a contract, then it goes to MBRC, then a purchase order is issued. Mr. McDaniel said the project doesn't have to use the City contractor, the project can be bid out but that is explained when the project is brought to the Commission initially. Mr. Gearhart stated that he believes Ms. McGovern did tell the Commission that she would be bidding these projects out and not using the City's contractor.
- vii. Ms. Fraser suggested Ms. McGovern come to the next Tree Commission meeting. Mr. R. Robinsons suggested Ms. McGovern provide some type of report, perhaps a memo, detailing the status of the Parks Dept. projects which have been approved by the Tree Commission. Mr. Hart would like the approvals withdrawn from these 2 projects. Ms. Fraser suggested adding the month the project has been approved to the year already listed in the spreadsheet.
- viii. Ms. Jill Enz from Parks Dept. said she believes the Hanna Park project is complete. The Districts 5 and 7 Parks are awaiting the 1 year service contract bid. There has been a hold-up from a Procurement side. The recommendation letter was sent to Procurement yesterday. Mr. Long continued, it will be awarded January 5, if there is no protest, go to the Mayor's office the next day and return on the following Monday, January 9, with the signed award, then the contract process begins which can take up to 60 days. Once the contract is processed then purchase orders can be issued and planting may begin.
- ix. Mr. McDaniel asked Ms. Grandin if the Commission can decide if Public Works bids something out or give it the continuous contractor? Ms. Grandin said the way the ordinances are written it can either be through the continuing contract or be bid out. Parks will have a continuing contract as well. Mr. McDaniel added he put out a contract for pre-qualified bidders, which leaves 4 contractors for the 55 tree job to go to, all 4 could look at it and turn in cost estimates and the project would be awarded to the lowest bidder of the four. Does the Commission decide which contract we are allowed to use? Ms. Grandin said, no, what everybody understood was we either use Liberty, the City's continuous contractor, or it's going to be put out to the world to bid on. Mr. McDaniel said it will be done with whatever agency Parks or Public Works chooses to use, a discussion could occur between the agency and the Commission if the project is pressing, if we have time to either use the pre-qualified contractors or if we have time can we put it out on the street for bid. Mr. Hart said, the missing part for me is in the end, when the project is done, which one was cheaper. Though time is important; did we save money by going through this protracted process or should we have used the continuous contract. Mr. Long said the continuous contracts are never going to be cheaper than standalone bids. Just because they are providing numbers not on a site-specific thing but a wide variety of numbers, project specific bids are always less but you save time with a continuous contract.

- x. Mr. Gearhart said he has not completed the contract barring the removal of Tree Fund trees planted on school grounds. This is a contract which is completely brand new and appears to be singling out the schools. This is not required for any other outside entity. Other entities such as Jacksonville Beach have worked out very well. Ms. Grandin said everyone should have to sign, if they want the trees, they can sign. Ms. Grandin volunteered to develop this document.
- xi. Mr. Arpen suggested FDOT should be required to sign this document as well or at least reimburse the cost of the tree and installation. Ms. Fraser suggested not using Tree Fund monies for anything having to do with FDOT.

## 5. Action Items:

- a) Approval of Minutes from November 16, 2022 Meeting – Chair
  - i. Motion to approve the minutes made by Mr. R. Robinson, seconded by Mr. Hart, none opposed.
- b) Approval of Final Strategic Planning Report – Chair
  - i. Motion to approve made by Mr. R. Robinson, seconded by Mr. M. Robinson, none opposed
  - ii. Mr. R. Robinson asked if there was any type of schedule to review this report or making updates along the way? Mr. Flagg asked if we should update it every year, or 3 years, all plans should be updated and refreshed, perhaps 3-year window may be feasible. Ms. Fraser said the only thing a schedule does is allow us to prepare for activities before the due date. Ms. Grandin said the report states short-term goals are to be accomplished before year end 2025, that may be the timing.
  - iii. Mr. November asked about putting together a committee to discuss a master planting plan also one to give direction to staff on getting an additional City Arborist.
  - iv. Ms. Fraser suggested taking up the Implementation Committee which will address the action items from the report. Mr. Flagg asked if anyone had looked at the Implementation Committees list (Attachment F). Ms. Fraser suggested asking Mr. McDaniel what help could be provided to fulfill Strategy #1? Mr. McDaniel said HR has been contacted but they don't fund to advertise positions. Mr. Flagg suggest the Commission review the attachment and select a committee to participate in and be prepared to make their decision known at the next meeting
- c) Proposed Level 2 Project(s) – Justin Gearhart
  - i. Ft. Caroline Rd West Tree Planting Project (Attachment C) – Justin Gearhart
    - 1. Presentation – This is a standard median planting with a 2-year, non-irrigated warranty. This project had been deferred by request last month. Some of the changes requested from last month were to include Prosser's plans which were left off in error. There are 113 trees in the median, a mixture of live oaks, crepe myrtles and hollies which will be removed and replaced with 87 trees.
    - 2. Public Comment –
      - i. Ms. Fraser said there was a lot of discussion at the last meeting regarding the removal of healthy oaks and it appears nothing has changed. Mr. Gearhart said the discussion was deferred to this meeting because we ran out of time.

- ii. Mr. Hart asked if an Arborist has looked at the trees. Mr. McDaniel replied, our Arborist looked at them and those trees have been in the ground for 25 years and haven't grown at all, they have air plants all over them, the bark is torn up around the bottom, and the structure is very poor. The crepe myrtles are past their life span. CM Salem requested the project because the trees look so bad.
  - iii. Mr. Arpen said this is a poor use of the tree funds. There are places all over town which need any trees, heat islands and equity areas and here we are removing trees from a roadway. Granted they are not the most beautiful trees, but they are serving a function. Using tree fund money to remove existing trees, almost \$20,000, under what theory is unclear. 113 are being removed and only 87 are being replaced. Money should be spent in places where there are no trees and not removing functioning trees.
  - iv. Ms. Grandin said the removal of the tree's costs \$142,301. The only reason tree fund monies can be used to remove a tree is if it's in the way or it's dead or dying. These trees may not qualify.
  - v. Mr. Flagg asked if this was the best use of our tree fund monies and is it legal? Mr. Gearhart suggested not removing any trees and only adding trees in the pond area. That would give CM Salem his project.
  - vi. Mr. M. Robinson suggested only taking out the worst trees and leaving most of them. Ms. Fraser said that decision has already been made and 113 have been determined to be "worse." Mr. M. Robinson asked about the cost of sod on page 12. Mr. Gearhart said tree funds will not be used to pay for sod or sod irrigation.
  - vii. Mr. Gearhart said this project will be resubmitted at the next meeting and will only include the pond trees.
  - viii. Mr. Hart said we should not be removing trees to plant trees, as a policy. Mr. Flagg agreed, it goes to the core of what this Commission is supposed to be doing, increasing the canopy.
3. Vote – Motion made by M. Robinson to resubmit the project for only the pond trees, no median tree removals, seconded by Ms. Fraser, none opposed.
- ii. Gold Star Hwy. Tree Planting Project (Attachment D) – Justin Gearhart
- 1. Presentation – Phase 1 is complete and was ½ mile stretch. This is for Phase 2 and is the remaining 3 miles to include 1,218 trees beginning ½ mile east of Lainey Rd, south and west of Sister's Lake Rd. Prosser's estimate of cost is \$1M however, the amount recommended is \$3M. Because this project is not going to use the continuous contract but be bid out, this amount will cover the potential range of bids. Any funds not used would be rolled back into the fund.
  - 2. Public Comment –
    - i. Ms. Fraser said the Prosser unit cost for trees is very low, \$625 for a tree, haven't seen that in quite a while. Mr. Gearhart said Prosser said what they did to get these costs was use a wholesale cost x a multiplier but agreed, these costs are very low as an estimate. This is Prosser's estimate based on the plans, our estimate is higher based on the previous cost of Phase 1.

- ii. Ms. Fraser said the Prosser plan is for 4" and 6" trees but the sweet spot for trees is really the 3" size they go in well, establish well and grow quickly. Mr. Zaffaroni said there are several 3" in the plan but the anchor trees at the entrance are 6". Ms. Fraser continued, there are 86 4" live oaks, 144 4.5" Ilex vomitoria, there are a lot of big plants, these sizes will contribute to a dramatic increase in cost when it goes out to bid. If 3" are planted within 2 years they have caught up to the 6" plantings, it's paying for a bang that is not needed. Mr. Gearhart said there is an estimate from Liberty using the item costs from the 2 year warranty continuous contract which totals approximately \$2.4M. It includes almost everything listed on the Prosser estimate.
  - iii. Mr. McDaniel added, there is a lot of room out there so larger trees are an option.
  - iv. Mr. Flagg suggested approving an upset limit of \$2.4M. If any of the bids come in higher than that, then the continuous contract could be used. Ms. Fraser suggested reducing all the trees size to 3".
  - v. Mr. November said there is a reason for some of the larger trees at the entrances, is there a middle ground. Perhaps a few could be reduced in size to save some money but the nature of the project is it's nice to have some mix. It's important to get some trees in the ground, there has been a major lapse in planting lately. Perhaps the 4" trees could become 3" trees, especially when there are more than 20.
3. Vote – Motion to approve if all tree sizes are changed to 3-3.5" with an upset limit of \$2.3M made by Ms. Fraser, seconded by Mr. Hart, none opposed.

## 6. Old Business

### a) Level 3 Program Agreement Revisions (Attachment E)– Susan Grandin

- i. The insurance requirement was changed for the Applicant and has been approved through City Council.

## 7. New Business

- a) 2023 Meeting Calendar – agreed. The meetings will remain hybrid meetings.

## 8. Public Comment

- a) None.

- 9. **Adjournment** – the next Tree Commission meeting is scheduled for Wednesday, January 18, 2023, at 9:30am and will be a Hybrid/Zoom meeting in Ed Ball Building, 10<sup>th</sup> Floor, Public Works Office, conference room 5.