



Legislation Details (With Text)

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**Title:** Actions pertaining to a Memorandum of Understanding between The Art of Life Cancer Foundation, Inc. and the City of Fresno:  
1. Adopt a finding of Categorical Exemption pursuant to Section 15304/Class 4 of the California Environmental Quality Act (CEQA) Guidelines; and  
2. \*\*\*Approve a two year Memorandum of Understanding with The Art of Life Cancer Foundation, Inc. for the development of a garden at Woodward Park (Council District 6)

**Sponsors:** Parks, After School, Recreation and Community Serv

**Indexes:**

**Code sections:**

**Attachments:** 1. Art of Life MOU.pdf, 2. Art of Life Proposed Trails Design - 11-17.pdf

Date	Ver.	Action By	Action	Result
2/5/2015	1	City Council	approved	Pass

**REPORT TO THE CITY COUNCIL**

**February 5, 2015**

**FROM:** MANUEL A. MOLLINEDO, Director  
Parks, After School, Recreation and Community Services

**BY:** KAREN M. NORRIS, Administrative Manager  
Parks, After School, Recreation and Community Services

**SUBJECT**

Actions pertaining to a Memorandum of Understanding between The Art of Life Cancer Foundation, Inc. and the City of Fresno:

1. Adopt a finding of Categorical Exemption pursuant to Section 15304/Class 4 of the California Environmental Quality Act (CEQA) Guidelines; and
2. \*\*\*Approve a two year Memorandum of Understanding with The Art of Life Cancer Foundation, Inc. for the development of a garden at Woodward Park (Council District 6)

**RECOMMENDATIONS**

Staff recommends that the City Council; 1) adopt a finding of a Categorical Exemption per staff determination, pursuant to Article 19, Section 15304/Class 4 of the CEQA Guidelines and 2) approve a two year Memorandum of Understanding (MOU) with the Art of Life Cancer Foundation, Inc. for the development of a 3.44 acre garden at Woodward Park.

## EXECUTIVE SUMMARY

The Department was approached by The Art of Life Cancer Foundation, Inc. (Foundation) to create a garden on 3.44 acres in Woodward Park at the northern edge of the park north of the parking area near the Friant Road entrance. The Art of Life Garden (Garden) is an effort by the community affected by cancer to provide a place to show what the disease has taught others about the art of life. The site will include trails, display kiosks, reflective areas, playscapes for children, and a gathering place for events. There will be no entrance fee to enter the Garden.

The MOU will allow the Foundation to develop the Garden at Woodward Park. The Foundation associated with California Oncology of Central California in collaboration with community partners, including California State University, Fresno and River Tree Volunteers will create the Art of Life Garden. The Foundation will pay for all costs associated with the design and construction of the Garden and have committed to take responsibility for maintenance of the Garden.

This MOU has been reviewed and approved by the City Attorney and Risk Management Offices.

## BACKGROUND

The Foundation approached the City of Fresno in October, 2013 with a desire to construct the Art of Life Garden in the green space at Woodward Park, north of the parking area, next to the Friant Road entrance. In February, 2014, after review of the initial scope of work for the planning and design of the Garden, the City of Fresno provided a letter of support. The final irrigation design will use less water than is currently used onsite at Woodward Park.

The Foundation, along with community partners, have been working on the conceptual site plan and gaining support for the design and construction of the Garden. Community support for the Garden include: Granville Homes, Harris Family Foundation Trust, Kiwanis International and East Fresno Kiwanis, Seal Rite Paving and Brooke Ashjian, Dr. Christopher Perkins and California Oncology of Central California, Granite Construction, Duley Landscaping, Bob Boro and Associates, Lyles College of Engineering at Fresno State, Toro Irrigation, and Harbor Engineering.

Under the terms of the MOU, the City will:

- Designate a representative to work with the Foundation to ensure each stage of the project and the scope of work has been completed.
- Review each project phase of the design and construction of the Garden, however, nothing in this MOU shall bind future City action which may be necessary to fund and approve future development of the Park.

The Art of Life Cancer Foundation, Inc. will:

- Assume financial responsibility for all costs associated with the design and construction of the Garden as identified in tasks 1 through 5 in Exhibit A.
- Establish an Advisory Council of six to ten members that will assist in the Foundation Initiative. The Advisory Council will hold monthly meetings, at minimum, to determine ongoing progress and scale up promotion and fund-raising efforts as needed. The Advisory Committee will solicit cash and in-kind support for the on-going operations of the Garden.
- Appoint a Project Director to lead the Advisory Council and fund-raising efforts.

- Hold all funds raised in a segregated Foundation Account.
- Endeavor to establish written agreements or letters of intent with community benefit organizations and other service and educational organizations to provide a full range of services to the public at the Garden.
- Provide the City with a quarterly activity report to include Advisory Council/Foundation Initiative meeting minutes, financial activity, including use of donation proceeds to fund Garden planning, construction and maintenance; and fund-raising, marketing, and partnering efforts.

This MOU will be in effect for an initial term running through December 31, 2016, and may be administratively extended by the City Manager (or designee) for up to one additional year, ending December 31, 2017. The Foundation has agreed to enter into a maintenance agreement for the Garden, which will replace this MOU once executed.

## **ENVIRONMENTAL FINDINGS**

The proposed project is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15304, which exempts minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees. The proposed project is consistent with this exemption, and none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project. Therefore, no further environmental review is required.

## **LOCAL PREFERENCE**

Local preference was not considered because this agreement does not include a bid or award of a construction or services contract.

## **FISCAL IMPACT**

There is no fiscal impact to the General Fund as a result of approving this MOU. The Foundation has committed to providing maintenance and low water use landscaping with be utilized.

Attachments: Memorandum of Understanding  
Proposed Trail Design