



**DOWNTOWN HAYWARD BUSINESS IMPROVEMENT AREA
ADVISORY BOARD**

SPECIAL MEETING

**November 6, 2015
Conference Room 2A
8:00 A.M.**

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS: (The Public Comment section provides an opportunity to address the City Council Committee on items not listed on the agenda as well as items on the agenda. The Committee welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Committee is prohibited by State law from discussing items not listed on the agenda, any comments on items not on the agenda will be taken under consideration without Committee discussion and may be referred to staff.)

1. Approval of Minutes of October 7, 2015
2. Funding Request to Add a Granite Bench to Hayward's 9/11 Memorial
3. Funding Requests to Reimburse DBIA Merchants for Holiday Decorations

COMMITTEE MEMBER/STAFF ANNOUNCEMENTS AND REFERRALS

ADJOURNMENT

NEXT REGULAR MEETING – 8:00 A.M., WEDNESDAY, JAN. 6, 2016

****Materials related to an item on the agenda submitted to the Council Committee after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4th Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website.*

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CITY HALL, 777 B STREET, HAYWARD, CA 94541
[HTTP://WWW.HAYWARD-CA.GOV](http://www.hayward-ca.gov)



**MINUTES
DOWNTOWN HAYWARD BUSINESS IMPROVEMENT AREA
ADVISORY BOARD**

**REGULAR MEETING
October 7, 2015**

ATTENDANCE:

| <u>BIA Member</u> | <u>Present</u> | <u>Absent</u> |
|-----------------------|----------------|---------------|
| Benjamin Schweng* | X | |
| Alfredo Rodriquez Jr. | X | |
| Joseph Davis | | X |
| Sid Hamadeh | X | |
| Syed Karim | X | |
| Rui Li | | X |

**Chair*

VISITORS: Kim Huggett, Hayward Chamber of Commerce; Anna May, representing United Merchants Association and SantaCon; Paige Ball, 2525 Vintage & Modern Resale Clothing

STAFF: Micah Hinkle, Economic Development Manager; Ramona Thomas, Economic Development Specialist; David Rizk, Development Services Director; Frank Holland, Community and Media Relations Officer; Hayward Police Bicycle Officers Craig Fovel and Aaron Runolfson; Suzanne Philis, Senior Secretary

I. Call to Order

Chair Schweng called the meeting to order at 8:03 a.m.

II. Roll Call

Members Davis and Li absent.

III. Public Comments

Anna May, representing the United Merchants Association, said merchants would prefer that the holiday event, Light Up the Season, be held on Saturday, December 5th rather than Thursday, December 3rd.

Paige Ball, of 2525 Vintage & Modern Resale Clothing on Foothill, Member Rodriguez, owner of Vintage Alley Clothing Store on B Street, and Member Hamadeh, owner of Eko Coffee Bar and Tea House also on B Street, all agreed that the event could be more family-friendly, bigger and more festive if held on Saturday.

Kim Huggett, President of the Hayward Chamber of Commerce, said he would look into whether or not vendors were available to shift the event to Saturday. He added that shifting the event and making it longer would add cost for staffing and noted the event was primarily funded through the City with the DBIA contributing an additional \$500. When it was suggested the City organize payments, he pointed out that the Chamber, not the City,

was the fiscal agent for the event cutting checks directly to vendors. Chair Schweng said if costs increased the DBIA may be able to fund the gap.

Member Hamadeh requested a Special meeting in two weeks to discuss the matter. Economic Development Manager Hinkle said staff would contact members.

Mr. Huggett reminded members that the 30th Annual Business Expo was that evening and invited everyone to participate. He also handed out just-printed copies of the new Chamber Business Directory.

IV. **Approval of Minutes of July 1, 2015**

Member Rodriguez made the motion and minutes were approved with Members Davis and Li absent.

V. **Election of Officers and Approval of DBIA Regular Meeting Schedule**

Chair Schweng asked the Board if anyone was interested in serving as Chair or Vice Chair. Member Rodriguez volunteered to serve as Chair and Member Hamadeh said he would like to serve as Vice Chair. Chair Schweng made the motion and the motion was approved with Members Davis and Li absent.

Regarding the DBIA Regular Meeting Schedule, Member Rodriguez said quarterly meetings were too infrequent and suggested meetings every two months. Staff reminded the Board that the only remaining order of business was spending down reserves. Chair Schweng asked how was remaining for FY16-17 and was told \$50,000.

Member Rodriguez received confirmation that the Community Benefits District (CBD) was still being pursued but wasn't official yet. Chair Schweng asked if there was a specific date by which remaining funds should be spent and Manager Hinkle said not until the migration to the CBD.

Member Rodriguez said he had two ideas he wanted to share with the Board. The first was a \$100 reimbursement for businesses that decorated for the holidays. The other was a \$5,000 bench to go with the 9/11 Memorial on Foothill Boulevard. He said the local branch of the American Legion could not afford the bench which would recognize past American Legionnaires and those lost on 9/11.

Member Rodriguez requested a Special meeting the first week in November to vote on his proposals. The Board could also vote to fund any gap spending for Light Up the Season. He made a motion to hold a Special meeting and the motion was approved with Members Davis and Li absent.

VI. **Update on Community Benefit District**

Community and Media Relations Officer Holland provided the update noting the Community Benefit District was not set in stone and that there were still hurdles to overcome. He said staff would be outreaching to the United Merchants to get them involved and to encourage them to speak to property owners.

Community & Media Relations Officer Holland explained the timeline for the approval of the CBD and noted public meetings would be held in the morning on Nov. 4th and 10th, and in the evening on Dec. 16th.

Member Rodriguez asked if any progress had been made in generating support by property owners for the CBD. Community & Media Relations Officer Holland said the dialog continues, but now that a Management Plan has been developed, more people are showing up to the meetings.

Economic Development Manager Hinkle said additional meetings to outreach property owners will be scheduled in the upcoming months. He said the City's goal is to educate all groups and the proposed CBD Management Plan helps by outlining goals. He also mentioned the Downtown Specific Plan Update, currently underway, is another piece of the ongoing efforts to move downtown forward.

Community & Media Relations Officer Holland encouraged merchants to continue outreach efforts to engage property owners noting the City cannot be the driver of the CBD, the property owners must take the lead.

Board members expressed frustration that property owners still had misconceptions about the CBD and where the money would go. Community & Media Relations Officer Holland said downtown property owners had different interests and priorities and while the City wasn't expecting to engage 100% of them, they still needed to educate them on the value.

VII. **Review of Chamber-Organized 2015 Summer Events**

Kim Huggett, President of the Hayward Chamber of Commerce, provided the review noting free parking continues to benefit attendance totals for downtown events. He said the Mariachi Festival, held Friday, October 2 from 4-9pm, which received a first-time contribution from the DBIA of \$500, was a five-hour event, but could have been longer. He said Hayward has a large Latino population and noted the Chamber's Latino Business Roundtable had been meeting for 12 years. He thanked the Board for its support.

Member Rodriguez mentioned that the Vintage Alley Car Show, held Saturday, Sept. 12th, was also very well received with an estimated 5,000-6,000 people in attendance, many from out of town and many who had never, or it had been a very long time, visited downtown Hayward. Now that people know about the businesses, restaurants and theater downtown, he said, many would return.

Member Rodriguez said he looked forward to continuing the event and acknowledged the 2016 funding already approved by the DBIA. He said he had an itemized budget from the 2015 event available.

Anna May, representing the 4th Annual SantaCon Hayward event scheduled for Saturday, Dec. 5th, explained that although sponsors had been secured, she was seeking \$1,500 in funding from the DBIA to benefit the Hayward Animal Shelter. She also asked for City staff assistance with promotion of the event.

Chair Schweng asked if the money would go straight to the Shelter. Ms. May said if the Board preferred, the money could be used to purchase gift cards from participating businesses to be awarded to costume contest winners.

Member Hamadeh said he preferred the money be used for promotional materials rather than go straight to the Shelter as that could open the door for funding requests that directly benefited charities or charitable organizations. He said otherwise, the event did match DBIA event goals.

Ms. May said the Mt. Eden High School Alumni Association and Educational Foundation could provide the benefit funding for the Animal Shelter.

Chair Schweng asked if pets would be allowed at the event. Ms. May explained that SantaCon was a growing, world-wide event with over 300 participating cities. Although the Hayward event benefitted the Animal Shelter, she said no pets were allowed as participants in holiday costumes venue hopped around downtown. She mentioned, long-term, SantaCon could be an all-day event tied in with Light Up the Season festivities.

Chair Schweng asked if SantaCon would be promoted to Cal State East Bay students and Ms. May said yes, and that she'd also like the City to promote the event on the digital billboard, which would be at no cost to the City.

Member Rodriguez made a motion to approve sponsorship funding in the amount of \$1,500 for the 2015 4th Annual SantaCon. Ms. May asked for confirmation that the Board was contributing toward promotions rather than providing the payment to the Animal Shelter and Member Rodriguez said that was correct. The motion passed with Members Davis and Li absent.

COMMITTEE MEMBER/STAFF ANNOUNCEMENTS AND REFERRALS

Hayward Bicycle Officer Fovel told Board members that a homeless encampment along the creek that runs by the Hayward Historical Society under Foothill Boulevard was recently removed. He said besides all the garbage, a crane had to be used to bring up large furniture including a couch. Board Members asked what measures could be taken to block the homeless from creating encampments in the first place and Officer Fovel and Runolfson explained that different strategies have been used, but it was an ongoing problem.

Economic Development Manager Hinkle displayed the new Economic Development marketing materials developed as a leave-behind when visiting new and existing businesses.

Chair Schweng mentioned that after a two mile chase, the Hayward Police had recovered a bike stolen from his shop.

VIII. Adjournment

The meeting was adjourned at 8:58 a.m.

| STAFF | ACTION ITEMS |
|--------------|--|
| Econ Dev | Attendance counts for recurring events and financial information including costs versus revenues and/or event guidelines |

DATE: November 6, 2015

TO: Downtown Business Improvement Area Advisory Board

FROM: Micah Hinkle, Economic Development Manager

SUBJECT: Funding Request to Add a Granite Bench to Hayward's 9/11 Memorial

RECOMMENDATION

That the Downtown Business Improvement Area Advisory Board (DBIA) reviews and evaluates the attached funding request to determine if the request meets the best use of assessments to benefit downtown as a destination for retail, entertainment, and other services.

BACKGROUND

The DBIA's purpose is to promote the economic revitalization and physical improvement of the downtown business district and to attract new businesses and visitors to the downtown. Historically the DBIA has funded activities in the following categories: (1) events and marketing, (2) security, (3) beautification.

At the October 7, 2015, DBIA meeting, Board members requested a special meeting to review a funding request for a granite bench to represent the American Legion Hayward Post 68. The bench would be a part of Hayward's 9/11 Memorial located at 22738 Mission Street (see Attachment I).

FISCAL IMPACT

Newly-elected DBIA Chair Rodriguez introduced the \$5,000 request for the memorial bench. As DBIA District assessment fee collection has been suspended and the Advisory Board is spending down reserves, the Board seeks input from downtown merchants to ensure that this use best reflects the District's priorities for downtown. Funds from the \$45,000 "Beautification" allocation in the FY2016 approved budget could be used.

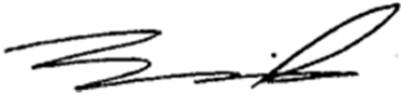
NEXT STEPS

If approved, staff will incorporate the allocation into current and pending DBIA budget expenditures, notify the proponents of the 9-1-1 memorial of the Board's decision, and process the payment.

Prepared by: Ramona Thomas, Economic Development Specialist

Recommended by: Micah Hinkle, Economic Development Manager

Approved by:



Fran David, City Manager

Attachment I Request for funding and supporting documentation

Funding Request

Regarding: Granite bench for American Legion Hayward Post 68
October 2015

Who is the American Legion Hayward Post 68

The American Legion is a organization of U.S. Military Veterans that are still working to protect and defend our Country, National Security, Americanism, and the Constitution of the United States.

The American Legion has been established in Hayward since the year 1919 and over the years it has been accounted for many programs helping veterans, dependents, and/or survivors with benefits, benefit claims, jobs, public assistance, rehabilitation, life insurance, medical, Veterans Affairs, etc.

The American Legion is also well known for their work in our community with the mentoring of our youth. They have helped with scholarships, education, boy scouts, and numerous other venues.

In 1943 **Harry W. Colmery** (out of Hayward) National Commander Of the American Legion Wrote the first draft of the **“GI Bill of Rights”**.

Six months later in 1944 President Franklin Roosevelt signs the bill into law.

The American Legion are proud Veterans that have devoted their lives to God and Country.

This donation for the bench will benefit our community and the D.B.I.A. by setting an example that the D.B.I.A. Believes, supports, and honors the fallen Heroes of 9/11 Hayward's first responders (Police, Fire, E.M.T.) and Hayward's Veterans.

All who come to visit this Memorial will see **Etched in granite (FOREVER)** the D.B.I.A. written in as a sponsor.

The **D.B.I.A.** will gain respect from our community and outside visitors and they will be proud to shop and do business in our downtown area.

The request for funds is for the amount of five thousand dollars (\$5,000.00) to pay for one granite bench representing the American Legion Hayward Post 68. This bench will be a part of the Hayward's 9/11 Memorial located at 22738 Mission Street, by the Old City Hall.

This request is made so that the City of Hayward's own American Legion Post 68 will be honorably represented at this Memorial.

Thank You,

Alfredo Rodriguez

Vintage Alley

American Legion Hayward post 68

United Merchants Downtown Hayward



**AMERICAN LEGION
HAYWARD POST 68
P. O. Box 122
Hayward, CA 94543**



October, 2015

To Whom It May Concern:

RE: American Legion – Hayward Post 68 (501C#19-946085102)

The American Legion is a nonpartisan, not-for-profit (501C19) organization focusing on veteran's rights and quality of life. Originally chartered and incorporated by Congress in 1919 it is the nation's largest veterans' service organization committed to mentoring and sponsorship of youth programs in our communities, advocating patriotism and honor, promoting a strong national security with continued devotion to our fellow service members and veterans.

We are currently working with another non-profit organization in the City of Hayward to establish a 911 Memorial that will be situated at 22738 Mission Boulevard. Our Post is seeking donations to pay for one of the benches situated at the memorial (see artists renderings attached). Additional information on the Memorial can be found on their website <http://www.hayward911memorial.com>.

Any support your organization may be able to provide is deeply appreciated. Should you have any questions, or require further information, please feel free to contact me at your convenience.

Sincerely,

Edward R. Castillo, Commander
Hayward Post 68
(510) 384-7771

ERC:dma



Hayward 9/11 Memorial

Attn: Michael L. Emerson
2715 Christopher Court
Hayward, California 94541
1-510-247-0777

Downtown Business Improvement Area

Attn: Alfred
Hayward, California

Dear Advisory Board,

10 October 2015

This letter is being supplied to you per your request.

We have been informed that your organization would like to generously donate to sponsor 1 of our 2 remaining benches for the AMERICAN LEGION, out of 6 total benches, to help us pay to build the Hayward 9/11 Memorial.

We thank you very much for doing this.

We are a 501(c)3 tax deductible 9/11 Memorial (attached).

Our Tax Id #: 46-2210064

We are building this 9/11 Memorial to remember and honor the Heroes of 9/11 and also Hayward First Responders (Police and Fire/EMT) and Hayward Veterans.

A donation of \$5,000+ is needed to sponsor a bench.

If you wish...

Your organization will be engraved in granite forever and listed on the Memorial's donor section as the sponsor of the American Legion Bench and also be listed on our website.

We are preparing to engrave the Memorial's benches - so we need your donation ASAP. Please check out our website for more information and details.

Any questions please contact me directly.

We look forward to your donation,

A handwritten signature in blue ink that reads "Michael L. Emerson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Michael L. Emerson
Founder, Designer, and Build Manager
of the Hayward 9/11 Memorial

Website: www.Hayward911Memorial.com

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: JUL 15 2014

HAYWARD 911 MEMORIAL
C/O MICHAEL L EMERSON
2715 CHRISTOPHER CT
HAYWARD, CA 94541-3179

Employer Identification Number:
46-2210064
DLN:
17053049450024
Contact Person:
CUSTOMER SERVICE ID# 31954
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990 Required:
Yes
Effective Date of Exemption:
June 24, 2013
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Sincerely,



Director, Exempt Organizations

**PREAMBLE TO THE CONSTITUTION
OF THE
AMERICAN LEGION**

For God and Country we associate ourselves together
for the following purposes:

To uphold and defend the Constitution of the United States
of America;

To maintain law and order;

To foster and perpetuate a one hundred percent Americanism;

To preserve the memories and incidents of our association
during the Great Wars;

To inculcate a sense of individual obligation to the Community,
State and Nation;

To combat the autocracy of both the classes and the masses;

To make right the Master of Might;

To promote peace and goodwill on earth;

To safeguard and transmit to posterity the principles of
Justice, Freedom and Democracy;

To Consecrate and sanctify our comradeship by our devotion
to mutual helpfulness.

CODE OF PROFESSIONAL CONDUCT



THE AMERICAN LEGION

DEPARTMENT OF CALIFORNIA

All Legion Members, Officers, Commissioners, Committee Members and Employees of The American Legion Department of California Shall, At All Times:

General

- Be open and honest in all relationships with Legionnaires, employees and others.
- Never compromise the reputation or good of The American Legion by dishonest, disreputable, questionable or illegal behavior.

Integrity

- Avoid actual or apparent conflicts of interest. Advise all appropriate parties of any potential conflicts prior to taking any actions.
- Never engage in activities that would prejudice the ethical performance of job responsibilities.
- Refuse any gift, favor or hospitality that would influence or appear to influence actions, unless such item is fully disclosed to and approved by the leadership of The Department prior to the fact.
- Never solicit or accept any personal or family fee, commission, gift, gratuity, discount or loan for performing job duties, providing services or rendering judgments or opinions.
- Pursue and promote fair and equitable practices and oppose discrimination which is based upon gender, age, race, religious creed, national origin, sexual orientation, physical disability, marital, parental or Veteran status (as defined by the Bylaws of The American Legion).
- Endeavor to foster a work and operational environment founded on respect and dignity and free of sexual harassment.

Objectivity

- Communicate all information accurately, fairly and objectively.
- Fully disclose all known information that would be material to a particular management or financial decision.
- Fully disclose all relevant information required for an intended user to understand management reports, employee communications, business recommendations and comments.

Competence

- Maintain an appropriate level of professional competence and enhance existing skills through ongoing professional education programs, peer group associations and self training.
- Recognize and communicate professional limitations or other constraints that would preclude responsible judgment or successful performance of an activity.
- Ensure that delegated tasks are responsibly assigned and competently performed.

DATE: November 6, 2015

TO: Downtown Business Improvement Area Advisory Board

FROM: Micah Hinkle, Economic Development Manager

SUBJECT: Funding Request to Reimburse DBIA Merchants for Holiday Decorations

RECOMMENDATION

That the Downtown Business Improvement Area Advisory Board (DBIA) reviews the attached funding request for reimbursement to DBIA merchants for holiday decorations.

BACKGROUND

At the July 1, 2015 DBIA meeting, the Board agreed to discuss potential uses for the “beautification” allocation at the next regular meeting to be held on October 7, 2015. During the October 7, 2015, DBIA meeting, a special meeting was requested to review a funding request for reimbursements up to \$100 per business (See attachment 1). The purpose of the reimbursement is to encourage merchants to make their storefronts more attractive during the Holiday season and to increase foot traffic.

FISCAL IMPACT

The fiscal impact will depend on the number of participating businesses. The requesting DBIA member is asking for a maximum amount of fund allocation of \$10,000. Given the amount of storefronts, staff anticipates fund requests to be less than \$5,000. Increasing the number of decorated storefronts during the Holiday season would be aligned with the intent of allocating funds for beautification of downtown. The approved DBIA fund reserve has \$45,000 set aside for the beautification of downtown.

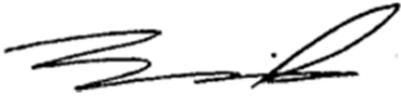
NEXT STEPS

If this funding request is recommended for approval, staff will incorporate fund allocations into current and pending DBIA budget expenditures. In addition, staff will develop reimbursement forms for participating DBIA members. Staff is recommending eligibility to be limited to DBIA Members in good standing and DBIA members with retail storefronts. In addition, the DBIA Board will need to establish a review committee for the requested Prize for best display.

Prepared by: Ramona Thomas, Economic Development Specialist

Recommended by: Micah Hinkle, Economic Development Manager

Approved by:



Fran David, City Manager

Attachment I Holiday Decoration Reimbursement Proposal

Funding Allocation Request

Ref: Downtown Store Front Decoration

Date: October 16, 2015

In an effort to bring joy and celebrate the holiday season in downtown Hayward, Hayward downtown's merchants have expressed their interest in decorating their store fronts and bring more attention to Hayward downtown within DBIA map.

The festive look and the warmth feel of the decoration of downtown will be inviting and encouraging more and more visitors to shop, dine, entertain, celebrate and increase foot traffic.

The proposal is as following:

1. \$100 per merchant – (Proposed DBIA members only)
2. Participants must purchase decorations and decorate their store front
3. Participants must present receipts of decoration purchases equal/greater value of \$100 to be eligible for reimbursement
4. Reimbursements are to be collected from the city upon presentation the receipts no later than January 15th, 2016.
5. Promoting this program through DBIA mailing list.

In addition, to encourage creativity and build further excitement, a "BEST DECORATION" contest will be part of this event.

\$250 for first place winner of best and most attractive decoration

\$100 for 2nd place winner

\$50 for 3rd place winner

1. Vote can be casted at a designated downtown business location
2. Winning criteria a combination of , best lighting decoration, tree decoration, store front beautification, artistic creativity. (TBD).
3. Merchants, employees, visitors and shoppers are eligible to vote.

Funding request: \$10,000 (To be adjusted as needed based on number of DBIA member list-anticipated # of participants)

Sid Hamadeh

Eko coffee bar & tea house

1075 B Street

Hayward, CA 94541