



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Conduct Public Meeting to Allow Public Testimony Regarding the Resolution of Intention to Expand the Lodi Tourism Business Improvement District (LTBID) to Include Flag City Hotels within the Business Improvement District.

**MEETING DATE:** December 17, 2008

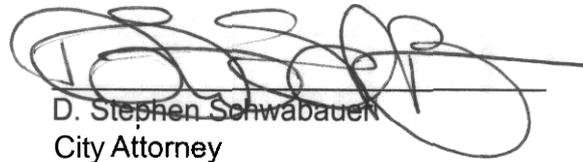
**PREPARED BY** City Attorney

**RECOMMENDED ACTION:** Allow Public Testimony on Resolution of Intention to expand the Lodi Tourism Business Improvement District.

**BACKGROUND INFORMATION:** Council began the process of considering expansion of the LTBID at its November 19, 2008 meeting by adopting a Resolution of Intention as required by the Streets and Highways Code. Tonight is the second of the three meetings necessary before Council can formally resolve to expand the District. Pursuant to Government Code 554954.6 Council must conduct a public meeting to allow public testimony regarding the expansion of the District. A third meeting, a public hearing, must be held to actually expand the district, on January 21, 2009. A majority protest at the public hearing would prevent the expansion of the District. The vote is weighted according to the percentage of the overall assessment that the business would pay.

**FUNDING:** Not applicable.

**FISCAL IMPACT:** Increased LTBID revenue from the inclusion of Flag City **Hotels/Motels** in the LTBID.

  
D. Stephen Schwabauer  
City Attorney

Attachment  
cc: Nancy Beckman, Visit Lodi

APPROVED:   
Blair King, City Manager



*Please immediately confirm receipt of this fax by calling 333-6702*

CITY OF LODI  
P. O. BOX 3006  
LODI, CALIFORNIA 95241-1910

**ADVERTISING INSTRUCTIONS**

**SUBJECT PUBLIC HEARING TO EXPAND THE LODI TOURISM BUSINESS IMPROVEMENT DISTRICT (LTBID)**

**PUBLISH DATE: WEDNESDAY, NOVEMBER 26, 2008**

**LEGAL AD**

**TEAR SHEETS WANTED: One (1) please**

**SEND AFFIDAVIT AND BILL TO:** RANDI JOHL, CITY CLERK  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910

**DATED: MONDAY, NOVEMBER 24, 2008**

**ORDERED BY: RANDI JOHL  
CITY CLERK**

  
JENNIFER M. FERRIN, CMC  
ASSISTANT CITY CLERK

\_\_\_\_\_  
MARIA BECERRA  
ADMINISTRATIVE CLERK

**Verify Appearance of this Legal in the Newspaper – Copy to File**

LNS Faxed to the Sentinel at 369-1084 at \_\_\_\_\_ (time) on \_\_\_\_\_ (date) \_\_\_\_\_ (pages)  
Phoned to confirm receipt of all pages at \_\_\_\_\_ (time) \_\_\_\_\_ CF \_\_\_\_\_ MB \_\_\_\_\_ JMP (initials)



## DECLARATION OF POSTING

### **PUBLIC HEARING TO EXPAND THE LODI TOURISM BUSINESS IMPROVEMENT DISTRICT (LTBID)**

On Wednesday, November 26, 2008, in the City of Lodi, San Joaquin County, California, a copy of a Notice of Public Hearing to expand the Lodi Tourism Business Improvement District (LTBID) (attached hereto, marked Exhibit "A") was posted at the following four locations:

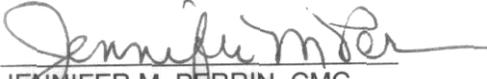
Lodi Public Library  
Lodi City Clerk's Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 26, 2008, at Lodi, California.

ORDERED BY:

**RANDI JOHL**  
**CITY CLERK**

  
JENNIFER M. PERRIN, CMC  
ASSISTANT CITY CLERK

\_\_\_\_\_  
MARIA BECERRA  
ADMINISTRATIVE CLERK

**NOTICE OF PUBLIC HEARING**

RESOLUTION NO. 2008-229

A RESOLUTION OF THE LODI CITY COUNCIL  
DECLARING ITS INTENTION TO EXPAND THE  
LODI TOURISM BUSINESS IMPROVEMENT  
DISTRICT (LTBID)

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WHEREAS, Visit Lodi, formerly known as Lodi Conference and Visitors Bureau, is interested in expanding the Lodi Tourism Business Improvement District (LTBID) to include hotels within the Service Area of CSA #31 "Flag City"; and

WHEREAS, the County of San Joaquin has consented to the expansion of the LTBID into Flag City; and

WHEREAS, the Parking and Business Improvement Area Law of 1989 Section 36500 et seq. of the Streets and Highways Code authorizes cities to expand parking and business improvement areas for the purpose of promoting tourism; and

WHEREAS, businesses within the LTBID have requested the Lodi City Council to expand such an improvement area.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby resolve, determine, and find as follows:

Section 1. The recitals set forth herein are true and correct.

Section 2. The City Council declares its intention to expand the LTBID pursuant to the Parking and Business Improvement Area Law of 1989, Streets and Highways Code Section 36500 et seq. The boundaries of the LTBID shall be expanded to include the service area of County Service Area #31 ("Flag City").

Section 3. The LTBID proposes to administer marketing programs to promote the City of Lodi as a tourism destination and to fund projects, programs, and activities that benefit hotels within the area as expanded.

Section 4. Except where funds are otherwise available, an assessment will be levied annually to pay for all improvements and activities in the area.

Section 5. The proposed LTBID will include all hotels within the City of Lodi and Flag City.

Section 6. The assessment is proposed to be levied on all hotels, existing and future, within the City of Lodi and Flag City based upon 3% of the gross room rental revenue.

Section 7. New hotels within the boundaries will not be exempt from the levy of assessment pursuant to Streets and Highways Code Section 36531, Pursuant to the City of Lodi's transient occupancy tax ordinance, assessments pursuant to the LTBD shall not be included in gross room rental revenue for purpose of determining the amount of the transient occupancy tax.

Section 8. The LTBD proposed annual assessment (as expanded) in year one totals approximately \$270,000, The funds raised shall be spent on a Marketing Program, Administration & Personnel, and **LTBD** Development/ Formation.

Section 9. The City of Lodi will collect the assessments quarterly from hotels within the City. The City of Lodi will collect the assessment on the same form as that used for the collection of transient occupancy tax receipts. The City of Lodi will charge a 5% collection fee on amounts collected and will remit the net amount to the LTBD within 30 days after collections occur.

Section 10. The time and place for the public meeting to expand the LTBD and the levy of the assessments is set for **December 17, 2008 at 7:00 p.m., at the Carnegie Forum, 305 West Pine Street, Lodi, California.**

Section 11. The time and place for the public hearing to expand the LTBD and the levy of the assessments is set for January 21, 2009 **at 7:00 p.m., at the Carnegie Forum, 305 West Pine Street, Lodi, California.**

Section 12. At the public hearing the testimony of all interested persons for or against the expansion of the area will be heard.

Section 13. A protest against the expansion of the LTBD, or any aspect of it, may be made in writing. To count in the majority protest against the LTBD expansion, a protest must be in writing. A written protest may be withdrawn from writing at any time before the conclusion of the public hearing. Each written protest shall contain a written description of the business in which the person signing the protest is interested, sufficient to identify the business and its address. If the person signing the protest is not shown on the official records of the City of Lodi or the County of San Joaquin as the owner of the business, then the protest shall contain or be accompanied by written evidence that the person is the owner of the business. Any written protest as to the regularity or evidence of the proceedings shall be in writing and clearly state the irregularity or defect to which objection is made. Written protests must be received by the City Clerk of the City of Lodi before the close of the hearing scheduled herein and may be delivered to the City Clerk at City Hall, 221 **W.** Pine Street, Lodi, California, 95240 or mailed to the City Clerk at P.O. Box 3006, Lodi, CA 95241.

All proceedings before the City Council are conducted in English. The City of Lodi does not furnish interpreters, and, if one is needed, it shall be the responsibility of the person needing one.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk/City Council at, or prior to, the public hearing.

Section 14. If, at the conclusion of the public hearing, there are of record, written protests against the expansion by the owners of the businesses within the LTBID that will pay fifty percent (50%) or more of the total assessments of the entire LTBID, no further proceedings to expand the LTBID shall occur. New proceedings to expand the LTBID shall not be undertaken again for a period of at least one (1) year from the date of the finding of the majority written protest by the City Council. If the majority of written protests are only as to an improvement or activity proposed, then that type of improvement or activity shall not be included in the LTBID.

Section 15. Further information regarding the proposed LTBID may be obtained from the City Clerk, City of Lodi, 221 West Pine Street, Lodi, California 95240.

Section 16. The City Clerk is instructed to provide notice of the public hearing as follows:

- a. Publish this Resolution of Intention in a newspaper of general circulation in the City of Lodi once, at least seven (7) days before the hearing.
- b. Mail complete copy of this Resolution of Intention to each and every business owner proposed to be assessed in the LTBID within seven (7) days of the adoption of this Resolution by the City Council.

Section 17. This Resolution is effective on its adoption.

Dated: November 19, 2008

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I hereby certify that Resolution No. **2008-229** was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 19, 2008, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Katzakian,  
and Mayor Mounce

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

  
BANDI JOHL  
City Clerk

2008-229



## **DECLARATION OF MAILING**

### **PUBLIC HEARING TO EXPAND THE LODI TOURISM BUSINESS IMPROVEMENT DISTRICT (LTBID)**

On November 25, 2008, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing letter and Public Hearing Notice to expand the Lodi Tourism Business Improvement District (LTBID), attached hereto Marked Exhibit A. The mailing list for said matter is attached hereto, marked Exhibit B.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 25, 2008, at Lodi, California.

ORDERED BY:

**RANDI JOHL**  
**CITY CLERK, CITY OF LODI**

  
JENNIFER M. PERRIN, CMC  
ASSISTANT CITY CLERK

\_\_\_\_\_  
MARIA BECERRA  
ADMINISTRATIVE CLERK

CITY COUNCIL

JOANNE MOUNCE, Mayor  
LARRY D. HANSEN,  
Mayor Pro Tempore  
SUSAN HITCHCOCK  
BOB JOHNSON  
PHIL KATZAKIAN

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6702 / FAX (209) 333-6807  
[www.lodi.gov](http://www.lodi.gov)    [cityclerk@lodi.gov](mailto:cityclerk@lodi.gov)

BLAIR KING, City Manager  
RANDI JOHL, City Clerk  
D. STEPHEN SCHWABAUER  
City Attorney

November 25, 2008

## **NOTICE OF PUBLIC HEARING**

*(See attached)*

### **RE: RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO EXPAND THE LODI TOURISM BUSINESS IMPROVEMENT DISTRICT**

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Enclosed please find Resolution No. 2008-229 of the Lodi City Council declaring its intention to expand the Lodi Tourism Business Improvement District. The City Council has established the following dates to hear this matter:

- **Public Meeting** – December 17, 2008, at 7:00 p.m., or as soon thereafter as the matter may be heard, at the Carnegie Forum, 305 West Pine Street, Lodi, California; and
- **Public Hearing** – January 21, 2009, at 7:00 p.m., or as soon thereafter as the matter may be heard, at the Carnegie Forum, 305 West Pine Street, Lodi, California.

Should you have any questions, please do not hesitate to contact the Lodi City Clerk's Office at (209) 333-6702.

Sincerely,



City Clerk

RJ/JMP

**Enclosure**



## NOTICE OF PUBLIC HEARING

RESOLUTION NO. 2008-229

### A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO EXPAND THE LODI TOURISM BUSINESS IMPROVEMENT DISTRICT (LTBID)

---

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- a. Publish this Resolution of Intention in a newspaper of general circulation in the City of Lodi once, at least seven (7) days before the hearing.
- b. Mail complete copy of this Resolution of Intention to each and every business owner proposed to be assessed in the LTBD within seven (7) days of the adoption of this Resolution by the City Council.

Section 17. This Resolution is effective on its adoption.

Dated: November 19, 2008

=====

I hereby certify that Resolution No. 2008-229 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 19, 2008, by the following vote:

- AYES: COUNCIL MEMBERS - Hansen, Hitchcock, Johnson, Katzakian, and Mayor Mounce
- NOES: COUNCIL MEMBERS - None
- ABSENT: COUNCIL MEMBERS - None
- ABSTAIN: COUNCIL MEMBERS - None

  
BANDI JOHL  
City Clerk

## EXHIBIT B

### RESOLUTION OF INTENTION TO EXPAND THE LODI TOURISM BUSINESS IMPROVEMENT DISTRICT (LTBID)

#### Mailing List

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Wine and Roses Country Inn, LLC  
2505 W. Turner Road  
Lodi, CA 95242

Ashvin Patel  
Del Rancho Motel  
501 N. Cherokee Lane  
Lodi, CA 95240

Holiday Inn Express  
P.O. Box 1420  
Lodi, CA 95241

Holiday Inn Express  
GFLIP III Limited  
P.O. Box 1210  
Lodi, CA 95241

Patel, Kanu & Jayesh K.  
Star Hotel  
P.O. Box 263  
Lodi, CA 95241

Suresh B. Patel  
Budget Inn of Lodi  
917 S. Cherokee Lane  
Lodi, CA 95240

Margaret Kim  
Comfort Inn – Lodi  
118 N. Cherokee Lane  
Lodi, CA 95240

Quality Inn  
Patel Kishor  
118 N. Cherokee Lane  
Lodi, CA 95240

Ron Pitamber  
Lodi El Rancho Motel  
221 Harding Blvd.  
Roseville, CA 95678

Ron Pitamber  
Lodi El Rancho Motel  
5151 Weston Way  
Granite Bay, CA 95746-6990

Sunil & Shobhana Yadav  
Modern Motor Lodge  
1050 S. Cherokee Lane  
Lodi, CA 95240

Surendra F. Patel  
Wine Country Inn  
607 S. Cherokee Lane  
Lodi, CA 95240

Hasmukh M. Bhakta  
Rancho Grande Motel  
807 S. Cherokee Lane  
Lodi, CA 95240

Ghanshyam A. Patel  
Traveler's Hotel  
112 N. School Street  
Lodi, CA 95240

Ghanshyam A. Patel  
Traveler's Hotel  
112 N. School Street #8  
Lodi, CA 95240

Rakesh & Smita Patel  
Viking Motel  
815 S. Cherokee Lane  
Lodi, CA 95240

Chetan Patel  
Royal Host Inn  
710 S. Cherokee Lane  
Lodi, CA 95240

Maurice O. Ray  
Imperial Hotel  
9 W. Oak Street  
Lodi, CA 95240

Maurice O. Ray  
Imperial Hotel  
7 W. Oak Street  
Lodi, CA 95240

## EXHIBIT B

Jayanti Bhakta  
Economy Inn  
1100 S. Cherokee Lane  
Lodi, CA 95240

Gunvant M. Bhakta  
Main Hotel  
4 S. Main Street  
Lodi, CA 95240

Oasis International Trading  
Oasis Motel  
736 S. Cherokee Lane B  
Lodi, CA 95240

Hampton Inn & Suites  
Geweke VII, LP  
P.O. Box 1420  
Lodi, CA 95241

Hampton Inn & Suites  
Geweke VII, LP  
P.O. Box 1210  
Lodi, CA 95241

Microtel Inn  
6428 W. Banner Street  
Lodi, CA 95242

R X 5 HOSP/DBA Best Western  
6411 W. Banner Street  
Lodi, CA 95242