



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Public Hearing to consider adoption of resolution levying annual (2009) assessment for Downtown Lodi Business Improvement Area No. 1 and confirming the Downtown Lodi Business Partnership 2007-08 Annual Report (as approved by Council on November 19,2008) (CM)

**MEETING DATE:** December 17,2008

**PREPARED BY** City Manager

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**RECOMMENDED ACTION:** Conduct Public Hearing to consider adoption of resolution levying Annual (2009) assessment for Downtown Lodi Business Improvement Area No. 1 and confirming the Downtown Lodi Business Partnership 2008-09 Annual Report (as approved by Council on November 19,2008).

**BACKGROUND INFORMATION:** The Downtown Lodi Business Improvement Area No. 1 2008/09 Annual Report was presented and approved by the City Council on November 19, 2008. The Council established December 17, 2008 as the Public Hearing date during which time the public would have an opportunity to present written or oral protests to the assessment being proposed. The Public Hearing is established pursuant to Section 36535 of the California Streets & Highways Code.

Pursuant to Lodi Municipal Code chapter/section 12.06.110: The purpose of this process is to comply with the Act provisions regarding public notice and hearing prior to establishing the benefit fees for the following billing period. City shall not adopt, modify or otherwise amend any billing period budget of the area that is inconsistent in any way with such billing period's budget as agreed to and presented by the board except in the case of a written majority protest (regarding elimination or modification of any specific budget item) from business owners which will pay 50 percent or more of the fees proposed to be levied as to any specific budget item pursuant to Streets and Highways Code Section 36525(b). In such case the written protest regarding any specific budget item shall be grounds to eliminate or modify such expenditure from the area's proposed budget pursuant to the written protest.

Streets and Highway Code 36535 (c) states: At the conclusion of the public hearing, the City Council may adopt a resolution confirming the report as originally filed or as changed by it. The adoption of the resolution shall constitute the levy of an assessment for the fiscal year referred to in the report.

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APPROVED:  \_\_\_\_\_  
Blair King, City Manager

**FISCAL IMPACT:** The Downtown Lodi Business Partnership was established in order to create the mechanisms necessary to give Downtown Lodi the ability to compete regionally as a shopping center and entertainment destination. The purpose of the assessment is to pool contributions of individual business owners in order to provide the DLBP with the resources to provide marketing and events coordination.

**FUNDING AVAILABLE:** As collected by the City on behalf of the DLBP.



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Blair King  
City Manager

Attachments

Cc: Jamie Watts, Executive Director, DLBP

RESOLUTION NO. 2008-250

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
LODI CONFIRMING THE 2009 ANNUAL REPORT FOR THE  
DOWNTOWN LODI BUSINESS IMPROVEMENT AREA NO. 1  
AND LEVY OF ASSESSMENT

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WHEREAS, Downtown Lodi Business Improvement Area No. I was established December 17, 1997, by Council adoption of Ordinance No. 1654; and

WHEREAS, the Annual Report, as required by Streets and Highways Code §36533, has been submitted to the City Council by the Board of Directors of said Improvement Area; and

WHEREAS, a public hearing was held as required by Streets and Highways Code 536535 on December 17, 2008, in the City Council Chambers at Carnegie Forum, 305 West Pine Street, Lodi, California, at 7:00 pm., or as soon thereafter as possible, to consider protests to the assessment levy.

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

- 1) The required public hearing was duly held, at which time the public was allowed to present written or oral protests to the levy of assessment for Downtown Lodi Business Improvement Area No. 1.
- 2) A majority protest as defined in the Streets and Highways Code 536525 was not made.
- 3) The 2008-09 Annual Report as submitted on November 19, 2008, by the Board of Directors of the Improvement Area to the City Council is hereby confirmed as originally filed and attached hereto.
- 4) The confirmation of the report and adoption of this resolution constitutes the levy of the assessment as contained in the Annual Report for the calendar year 2008.

Date: December 17, 2008.

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I hereby certify that Resolution No. 2008-250 was passed and adopted by the Lodi City Council in a regular meeting held December 17, 2008, by the following vote:

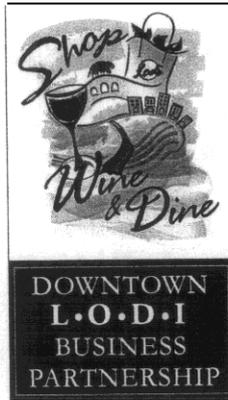
AYES: COUNCIL MEMBERS – Hitchcock, Johnson, Katakian, Mounce,  
and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

  
RANDI JOHL  
City Clerk



November 5, 2008

Mr. Blair King, City Manager  
City of Lodi  
221 W. Pine street  
Lodi, CA 95240

Re: Annual Report 2008/2009

Dear Blair:

Section 11.0 of the City Ordinance Number 1654, establishing the Downtown Lodi Business Improvement Area, requires that we submit to you by September of each year our annual report and budget.

In addition, the State of California Streets and Highways code, which is the enabling legislation, also specifies that certain additional information be provided. You will find all of the required information contained in our report.

We have provided you with seven copies, five for the City Council, one for the City Clerk and one for yourself.

Thank you for your continued support.

Sincerely,

Jaime Watts, Executive  
Downtown Lodi Business Partnership

2038309  
ENDORSED  
FILED

in the office of the Secretary of State  
of the State of California

MAR 31 1998

*Bill Jones*  
BILL JONES, Secretary of State

ARTICLES OF INCORPORATION OF  
DOWNTOWN LODI BUSINESS PARTNERSHIP  
A California Nonprofit Mutual Benefit Corporation

One: The name of the corporation is Downtown Lodi Business Partnership (A California Nonprofit Mutual Benefit Corporation)

Two: This corporation is a nonprofit mutual benefit corporation organized under the Nonprofit Mutual Benefit Corporation Law. The purpose of this corporation is to engage in any lawful act or activity for which a corporation may be organized under such law.

Such purposes for which this corporation is formed are to promote and improve the downtown Lodi business area, to generally improve business conditions in the downtown area, and to generally enhance the downtown area of the City of Lodi. Notwithstanding any other provision of these articles, this corporation shall not engage in any activities or exercise any powers that are not in furtherance of the purposes of this corporation.

Three: The name and address of the corporation's initial agent for service of process is Ronald M. Beckman, Esq., 111 N. Church Street, Lodi, California, 05240.

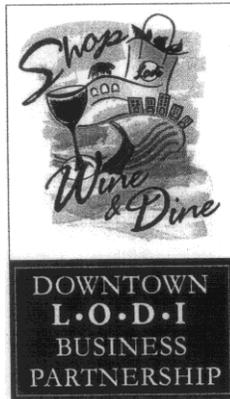
Four: The right to determine the consideration for which memberships will be issued shall be vested in the Regular Members, to be determined by a majority vote of the Regular Members in good standing.

Five: NO part of the net earnings of the corporation shall inure to the benefit of any member or private shareholder, as defined for purposes of Section 501 (c) (5) of the Internal Revenue Code of 1954.

Dated: March 31, 1998

*Ronald M. Beckman*  
Ronald M. Beckman, Incorporator





## 2008/2009 ANNUAL REPORT

Items listed below refer to Section 36533(b) of the California Streets and Highway Code:

No changes in boundaries of benefit zones within the area are proposed.

No physical improvements are planned.

Budget for the budget year July 1, 2008 through June 30, 2009 is enclosed.

The budget details all sources of income and projected expenses.

A Benefit Fee Schedule and a Map of the Business Improvement Area are enclosed.

**Downtown Lodi Business Partnership**  
**Proposed Budget**

*July 1, 2008 through June 30, 2009*

**Income**

Assessment Fees	42000.00
City of Lodi	35300.00
Event Revenue	
Farmers Market	65000.00
Parade of Lights	12500.00
Banner Sponsorship Program	5500.00
Grape Festival Youth Parade	1200.00
Fall Fest	3000.00
Winterfest	500.00
Miscellaneous Events & Sales	<u>10500.00</u>
<b>Total Income</b>	<b>175500.00</b>

**Expenses**

Event Expenses	
Farmers Market	30000.00
Parade of Lights	4500.00
Banner Sponsorship Program	1500.00
Grape Festival Youth Parade	500.00
Fall Fest	800.00
Winterfest	2000.00
Miscellaneous Events & Sales	1000.00
Marketing Expenses	
Merchant Brochure & Kiosk Map	2500.00
Advertising & Promotions	6100.00
Mileage & Meetings	2500.00
Public Relations	2500.00
Marketing Campaigns	2000.00
Seminars	1500.00
Website	1000.00
Membership Expenses	
Newsletters	600.00
Quarterly Mixers	500.00
Plaques & Trophies	500.00
Sunshine Committee	1000.00
Revitalization Expenses	
Downtown Beautification	5000.00

Administrative	
Salaries & Wages	65000.00
Payroll Taxes	5500.00
Contract Labor	2000.00
Insurance	11000.00
Professional Fees	<b>2500.00</b>
Rent	6000.00
Storage	2000.00
Office Supplies	6500.00
Office Equipment	1600.00
<del>Bank</del> Fees	400.00
Postage	1000.00
Utilities (phone, internet, etc.)	<u>6000.00</u>
<b>Total Expenses</b>	<b>175500.00</b>
<b>Net Income</b>	<b>0.00</b>

**Downtown Lodi Business Partnership**  
**Summary Balance Sheet**  
As of December 31, 2007

	<u>Dec 31, 07</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
Checking/Savings	2,573.27
Accounts Receivable	8,032.00
Other Current Assets	42.83
<b>Total Current Assets</b>	<u>10,648.10</u>
<b>Fixed Assets</b>	4,191.39
<b>TOTAL ASSETS</b>	<u>14,839.49</u>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
Credit Cards	2,616.22
Other Current Liabilities	1,901.45
<b>Total Current Liabilities</b>	<u>4,517.67</u>
<b>Total Liabilities</b>	4,517.67
<b>Equity</b>	10,321.82
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u>14,839.49</u>

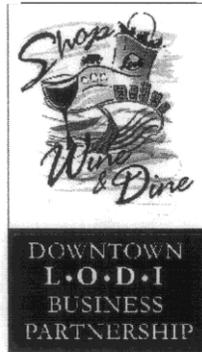
## Downtown Lodi Business Partnership Profit & Loss January through December 2007

	Jan - Dec 07
<b>Ordinary Income/Expense</b>	
<b>Income</b>	
City of Lodi Funds	43,975.00
Event Revenue	
Advertising & Promotion Revenue	<b>5,225.00</b>
Beverage Sales	19,998.37
Parade Entry Fees	7,706.00
Sponsorship	19,187.08
Vendor Fee	31,800.00
Other Income	8,126.00
	92,042.45
Total Event Revenue	92,042.45
IRS Refund Income	6,176.45
Interest Income	681.70
Member Assessment Fees	44,468.50
	187,344.10
<b>Total Income</b>	
<b>Expense</b>	
Administrative Expenses	
Advertising	203.00
Bank Service Charges	486.96
Contract Labor	805.00
Depreciation Expense	2,239.00
Dues and Subscriptions	841.50
Insurance-D& O and State Fund	1,952.34
Insurance - Events Liability	9,611.66
Interest	28.83
Miscellaneous	257.46
Office Maintenance & Repairs	1,473.72
Office Supplies	7,307.59
Payroll Expenses	
Director's Wages	42,300.64
Other Wages	16,094.60
Payroll Taxes	6,083.88
	64,479.12
Total Payroll Expenses	64,479.12
Professional Fees	5,249.31
Rent	6,210.00
Taxes	10.00
Utilities	5,575.86
	106,731.35
<b>Total Administrative Expenses</b>	
Event Expenses	
Advertising	7,483.37
<b>Awards/Banners/Posters</b>	5,253.67
Beverage Expense	18,502.31
Entertainment	5,051.05
Equipment Rental	1,073.70
<b>Labor/Repairs</b>	12,353.18
<b>License/Permits/Inspection</b>	2,762.10
Other Expense	570.18
Postage & Delivery	834.72
Marketing & Promotions	2,114.11
Sanitation	2,629.14
Supplies	4,965.82
	63,593.35
<b>Total Event Expenses</b>	
Marketing Expenses	
Advertising & Promotions	6,471.05
Mileage & Meetings	1,221.10
Public Relations	937.36
Seminars & Marketing Campaigns	3,745.76
	12,375.27
<b>Total Marketing Expenses</b>	
<b>Membership</b>	
Newsletter	556.66

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**Downtown Lodi Business Partnership**  
**Profit & Loss**  
January through December 2007

	<u>Jan - Dec 07</u>
Plaques & Trophies	274.70
Postage and Delivery	425.78
Sunshine Committee	<u>1,029.31</u>
Total Membership	2,286.45
Revitalization	
Kiosk Update	<u>102.00</u>
Total Revitalization	<u>102.00</u>
Total Expense	<u>185,088.42</u>
Net Ordinary Income	<u>2,255.68</u>
Net Income	<u><u>2,255.68</u></u>



## DOWNTOWN LODI BUSINESS PARTNERSHIP BENEFIT FEE SCHEDULE

BUSINESS TYPE	ZONE A	ZONE B
Retailers/Restaurants*	\$240 (1-3 Employees)	\$120
	\$360 (4-6 Employees)	\$180
	\$480 (7+ Employees)	\$240
Service Businesses	\$180	\$90
Professional Businesses	\$120	\$60
Financial Institutions	\$600	\$600

*\*Note: Retail and restaurant businesses are assessed based on the number of employees - either full-time, or the equivalent made up of multiple employees.*

### BUSINESS TYPE DEFINITIONS:

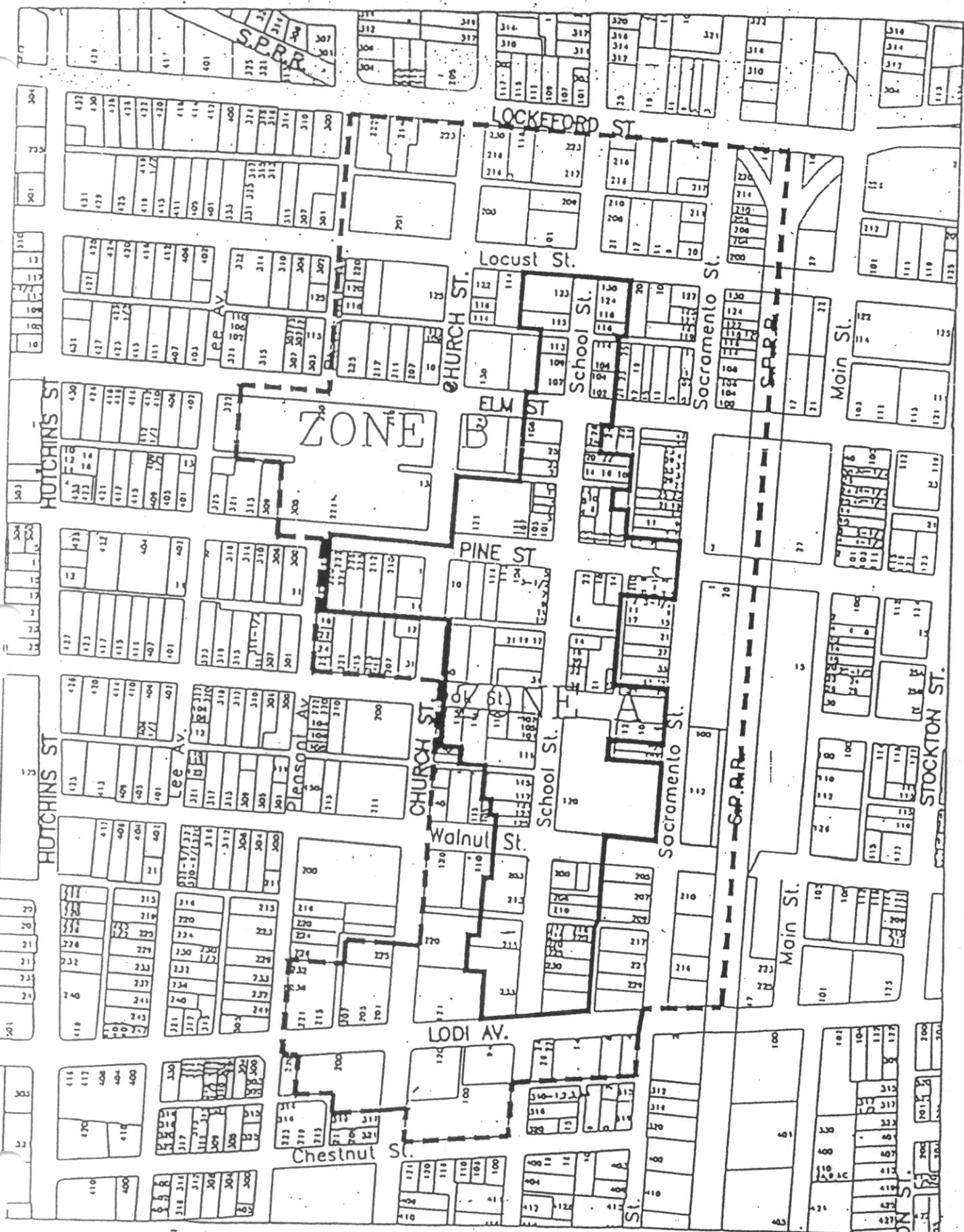
**Retail and Restaurant** – Businesses that buy and resell goods. Examples would be clothing stores, shoe stores, office supplies, as well as businesses that sell prepared food and drinks.

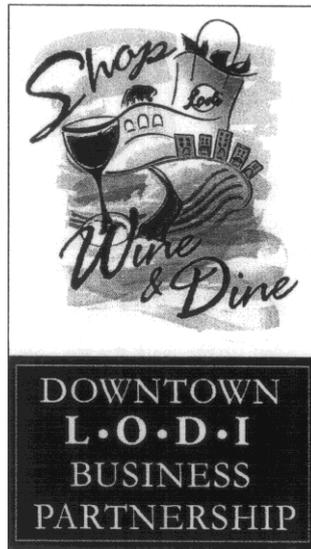
**Service Businesses** – Businesses that sell services. Examples are beauty and barber shops, repair shops, lodging, most automotive-oriented businesses, entertainment businesses such as theaters, etc.

**Professional Businesses** – Includes architects, engineers, attorneys, dentists, doctors, accountants, optometrists, realtors, insurance offices, mortgage brokers and most other businesses which require advanced or specialized licenses, and/or advanced academic degrees.

**Financial Institutions** – Includes banking and savings and loan institutions, as well as credit unions, etc.

**Downtown Lodi Business Partnership**  
**4 West Pine Street, Lodi, California 95240**  
**209.369.8052 phone 209.369.8053 fax**  
**[www.downtownlodi.com](http://www.downtownlodi.com)**





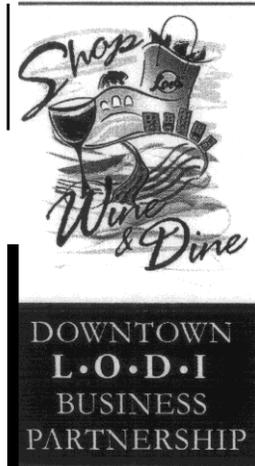
## MISSION STATEMENT

The Downtown Lodi Business Partnership, comprised of business owners, professionals and merchants, is a non-profit association developed to encourage growth and prosperity in the Downtown Community of Lodi, and to maintain its economic health on an on-going basis.

This will be accomplished by:

- Encouraging development of new businesses, while retaining and revitalizing existing businesses
- Promoting retail activity by creating and maintaining a quality environment through coordinated advertising and downtown events
- Serving as an advocate for downtown businesses in dealing with local government, maintenance projects, the media and general public

4 West Pine Street, Lodi, Ca 95240  
209.369.8052 phone 209.369.8053 fax  
[www.downtownlodi.com](http://www.downtownlodi.com)



# 2009 Calendar of Events

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**Celebrate Mama!**  
Saturday, May 9<sup>th</sup>

**Downtown Farmers Market**  
Every Thursday beginning  
June 4<sup>th</sup> through September 24<sup>th</sup>

**4<sup>th</sup> Annual "Stuck in Lodi"  
Car Show**  
Saturday, August 1<sup>st</sup>

**Grape Festival Youth Parade**  
Saturday, September 12<sup>th</sup>

**Downtown Trick-or-Treat  
& Fall Festival**  
Saturday, October 31<sup>st</sup>

**14<sup>th</sup> Annual Parade of Lights**  
Thursday, December 3<sup>rd</sup>

**Downtown Winterfest**  
Horse Drawn Carriage Rides & Holiday Festivities  
Saturday, December 5<sup>th</sup> & 12<sup>th</sup>

Visit [www.downtownlodi.com](http://www.downtownlodi.com)  
for detailed event descriptions and more information



**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 LEVY ANNUAL ASSESSMENT FOR DOWNTOWN  
LODI BUSINESS IMPROVEMENT AREA NO. 1

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

**LEGAL AD**

**TEAR SHEETS WANTED:** Three (3) 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. Perrin*  
JENNIFER M. PERRIN, 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 12:30pm (time) on 11/24/08 (date) 2 (pages)  
Phoned to confirm receipt of all pages at \_\_\_\_\_ (time) \_\_\_\_\_ JLT \_\_\_\_\_ DRC \_\_\_\_\_ JMP (initials)



## **DECLARATION OF POSTING**

### **PUBLIC HEARING TO LEVY ANNUAL ASSESSMENT FOR DOWNTOWN LODI BUSINESS IMPROVEMENT AREA NO. 1**

On Wednesday, November 26, 2008, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to levy annual assessment for Downtown Lodi Business Improvement Area No. 1 (attached and marked as Exhibit A), was posted at the following 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**

**EXHIBIT A**

RESOLUTION NO. 2008-232

**A RESOLUTION OF INTENTION TO LEVY ANNUAL ASSESSMENT  
FOR DOWNTOWN LODI BUSINESS IMPROVEMENT AREA NO. 1,  
ESTABLISHING PUBLIC HEARING DATE, AND APPROVING ANNUAL REPORT**

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WHEREAS, Downtown Lodi Business Improvement Area No. I was established December 17, 1997, by City Council adoption of ordinance 1654; and

WHEREAS, the annual report as required by Streets and Highways Code 5536533 has been submitted to the Council by the Board of Directors of said improvement area.

NOW, THEREFORE, the City Council of the City of Lodi does hereby resolve, determine, and finds as follows:

1. Approves the Annual Report as submitted, said report being on file with the City Clerk.
2. Establishes December 17, 2008, in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, at 7:00 p.m., or soon thereafter as possible, as the date, place, and time to hold the public hearing required by Streets and Highways Code §36534.
3. It is the intention of the City Council to levy and collect assessments within the parking and business improvement area for calendar year 2009 (the Area's fiscal year).
4. The boundaries of the entire area to be included in the Area and the boundaries of each separate benefit zone within the area set forth in a Map, Exhibit D, incorporated herein by reference. A true and correct copy of the map is on file with the City Clerk of the City of Lodi.
5. The types of improvements and activities proposed to be funded by the levy of assessments on businesses in the Area include marketing and promotional efforts; event coordination; and other activities with the goal to promote retail activities. A detailed description of activities is include in the Annual Report, Exhibit A, and incorporated by reference.
6. At the time of the public hearing, written and oral protests may be made. The form and manner of protests shall comply with Streets and Highways Code § 36524 and 36525.

Date: November 19, 2008.

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I hereby certify that Resolution No. 2008-232 was passed and adopted by the Lodi City Council 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



RANDI JOHL  
City Clerk

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

# 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

December 19, 2008

Jamie Watts, Executive Director  
Downtown Lodi Business Partnership  
P.O. Box 1565  
Lodi, CA 95241-1565

**RE: RESOLUTION CONFIRMING THE 2009 ANNUAL REPORT FOR THE  
DOWNTOWN LODI BUSINESS IMPROVEMENT AREA NO. 1 AND LEVY  
OF ASSESSMENT**

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The Lodi City Council, at its meeting of December 17, 2008, adopted the enclosed resolution confirming the 2009 Annual Report for the Downtown Lodi Business Improvement Area No. 1 and levy of assessment.

Should you have any questions, please feel free to contact the City Clerk's Office.

Sincerely,

  
Jennifer M. Perrin  
Assistant City Clerk

JMP

Enclosure