LODI CITY COUNCIL
SPECIAL CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, JUNE 17, 2014

A. Call to Order / Roll Call

The Special City Council meeting of June 17, 2014, was called to order by Mayor Katzakian at 7:00 a.m.

Present: Council Member Johnson, Council Member Nakanishi, Mayor Pro Tempore Hansen, and Mayor Katzakian
Absent: Council Member Mounce
Also Present: City Manager Schwabauer, City Attorney Magdich, and City Clerk/Legislative Affairs Officer Johl-Olson

B. Regular Calendar

B-1 Presentation of Proposed Changes to Lodi Municipal Code Title 6 (Animals) and Review Animal Shelter Fees (PD)

Animal Services Officer Jennifer Bender provided a PowerPoint presentation regarding the animal update to Lodi Municipal Code Title 6. Specific topics of discussion included changes to the municipal code pertaining to vicious and potentially dangerous dogs and fees.

In response to Mayor Pro Tempore Hansen, Ms. Bender stated turtles were removed from the total number of animals allowable because they are hard to manage since they may be in private ponds.

In response to Council Member Nakanishi, Ms. Bender stated the five domestic animal number is specific to Lodi, the County number is three, and Stockton is four. Ms. Bender confirmed that turtles do not count toward the total number of animals allowed in Lodi.

In response to Mayor Katzakian, City Attorney Magdich stated bees are covered under State law.

In response to Council Member Johnson, Ms. Magdich provided an overview of the service dog regulations as proscribed by the State and the challenges associated with the same.

In response to Mayor Pro Tempore Hansen, Ms. Bender stated one bat in our jurisdiction previously tested positive for rabies and there is no outbreak concern.

A brief discussion ensued between Council Member Nakanishi and Ms. Bender regarding mandatory rabies vaccinations for cats and surrounding jurisdictions that are requiring the same.

In response to Council Member Johnson, Ms. Bender provided an overview of what is required of the owner during the 30-day period after a dog is found to be vicious.

In response to Mayor Pro Tempore Katzakian, Ms. Magdich stated whether or not insurance is available through a homeowner's insurance policy for a vicious dog is dependent upon the particular insurance policy. A brief discussion ensued amongst Mayor Pro Tempore Hansen, Mr. Schwabauer, and Ms. Magdich regarding the same.

In response to Mayor Pro Tempore Hansen, Ms. Magdich stated notification will be provided to the City of insurance cancellations by the insurance company.

In response to Council Member Johnson, Ms. Magdich provided an overview of the administrative hearing process for a vicious dog declaration. Ms. Magdich stated the State process is more lenient than the City's process.

In response to Council Member Nakanishi, Ms. Bender stated Stockton and Sacramento also require the $100,000 insurance for vicious dogs.

In response to Mayor Pro Tempore Hansen, Ms. Bender stated in 2014 there was one case and they moved out of the jurisdiction, in 2013 there were three cases and all three were put down, and in 2012 there were six cases and four were put down.

A brief discussion ensued amongst Council Member Nakanishi and Mr. Schwabauer regarding the practice of the one bite rule when a dog bites a human being.

In response to Council Member Nakanishi, Ms. Magdich stated the final decision of a vicious dog determination rests with the City Manager.

In response to Council Member Nakanishi, Ms. Bender stated a dog cannot be tied up for more than a three-hour period.

In response to Mayor Pro Tempore Hansen and Council Member Johnson, Ms. Magdich stated staff is requesting elevating the infraction to a misdemeanor to ensure certain instances specific to human being bites can be prosecuted at a misdemeanor level.

In response to Council Member Nakanishi, Ms. Bender stated the Animal Commission has discussed and agreed to the proposed recommended changes to the ordinance. Ms. Magdich stated the ordinance section pertaining to animal waste is 6.14.030.

A brief discussion ensued regarding guard dogs specifically placed at a particular business by the owner as a deterrent.

B-2 Adopt Resolution Implementing Recommendations of the Animal Commission as Presented in the Annual Report (PD)

In response to Mayor Pro Tempore Hansen, Ms. Bender reviewed the proposed changes to the bylaws based on the recommendations provided by the Animal Commission in its annual report.

In response to Mayor Pro Tempore Hansen, Ms. Bender explained that the Animal Commission had asked that People Assisting the Lodi Shelter (PALS) be appointed as a member to the Commission but since it is an individual organization that was not possible. She stated PALS continues to participate through its contract with the City whereby it operates the shelter.

A brief discussion ensued amongst the City Council regarding abolishing the Animal Commission. The City Council provided direction to bring the matter back for consideration at a future City Council meeting.

Myrna Wetzel spoke in regard to her concerns about leash laws and animals not being leashed while in the front yard.

Mayor Pro Tempore Hansen made a motion, second by Council Member Johnson, to adopt Resolution No. 2014-102 implementing recommendations of the Animal Commission as presented in the Annual Report, including the sending of the barn yard cat letter.

VOTE:
The above motion carried by the following vote:
Ayes: Council Member Johnson, Council Member Nakanishi, Mayor Pro Tempore Hansen, and Mayor Katzakian

Noes: None
Absent: Council Member Mounce

C. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:00 a.m.

ATTEST:

Randi Johl-Olson
City Clerk/Legislative Affairs Officer