



Chairman R. Steven Derryberry – Vice Chairman Lisa Moulton  
Commissioner Concepción Harris - Commissioner Howard Harris  
Commissioner Angela Hearn - Commissioner Michelle Kiefer – Commissioner Linda Lawson

**LANCASTER NEIGHBORHOOD VITALIZATION COMMISSION AGENDA  
TUESDAY, OCTOBER 2, 2012  
4:00 P.M.**

**CITY COUNCIL CHAMBERS**

44933 Fern Avenue

Lancaster, California, 93534

Posted by 5:00 p.m. on Friday, September 28, 2012

At the entrance to Lancaster City Hall Council Chambers

**CALL TO ORDER**

**ROLL CALL**

Commissioners Concepción Harris, Howard Harris, Hearn, Kiefer, Lawson, Vice Chairman Moulton, Chairman Derryberry

**INVOCATION**

Pastor John Meadors, Christian Life Assembly

**PLEDGE OF ALLEGIANCE**

**PUBLIC BUSINESS FROM THE FLOOR – AGENDIZED ITEMS**

This is the time for citizens who would like to address the Lancaster Neighborhood Vitalization Commission on this agendized item. To speak on this item, please complete a speaker card. Individual speakers are limited to three (3) minutes each.

**CONSENT CALENDAR**

**CC 1.** Approve the Lancaster Neighborhood Vitalization Commission meeting minutes of August 7, 2012.

**CC 2.** Approve the Lancaster Neighborhood Vitalization Commission meeting minutes of August 21, 2012.

**CC 3.** Approve the cancellation of the Lancaster Neighborhood Vitalization Commission meeting for January 1, 2013 and direct staff to post the required notices.

CITY OF LANCASTER, CALIFORNIA  
LANCASTER NEIGHBORHOOD VITALIZATION COMMISSION AGENDA  
TUESDAY, OCTOBER 2, 2012

**PRESENTATIONS**

1. **Mental Toughness for Success Program**  
**Presenter: Patti Garibay**
2. **Dr. Elise Pomerance, Los Angeles County Public Health**  
**Health Disparities in Lancaster**

**COMMISSION/ STAFF UPDATES**

1. City Staff Updates  
Presenter: Brenda Gamlowski

**PUBLIC BUSINESS FROM THE FLOOR – NON-AGENDIZED ITEMS**

We request any person who would like to address the **Lancaster Neighborhood Vitalization Commission** on non-agendized matters to complete a speaker card and you will find speaker cards on the back table of the Council Chambers. Additionally, we respectfully request that you fill the cards out completely and print as clearly as possible, so that if necessary, the Commission or City staff will be able to contact you either by phone or mail.

Individual speakers are limited to three (3) minutes each. When you approach the podium, please notice there are three lights. The green light comes on when you begin; the yellow light will come on when you have 30 seconds remaining and the red light will come on when your 3 minutes are up.

We ask that you be considerate of the allotted time, to allow other speakers to have their 3 minutes as well. Following this procedure will allow for a smooth and timely process for the Commission meeting and we appreciate your cooperation.

**State law** prohibits the Lancaster Neighborhood Vitalization Commission from taking action on items not on the agenda and your matter will be referred to staff.

**COMMISSIONERS COMMENTS**

**ADJOURNMENT**

**Next meeting:**  
**November 6, 2012 at 4:00 pm**  
**Lancaster City Hall Council Chambers**

LNV CC 1
10/02/12

**LANCASTER NEIGHBORHOOD VITALIZATION COMMISSION  
MEETING MINUTES  
August 7, 2012  
6:00 P.M.**

**CALL TO ORDER:**

Chairman Derryberry called the meeting of the Lancaster Neighborhood Vitalization Commission to order at 4:05 p.m.

**ROLL CALL**

**PRESENT:** Commissioners, Howard Harris, Hearn, Kiefer, Vice Chair Moulton, Chairman Derryberry

**ABSENT:** C. Harris, Lawson, Moulton

**STAFF MEMBERS:** Assistant to the City Manager, Recording Secretary, Recreation Supervisor II, Management Analyst II

**PLEDGE OF ALLEGIANCE:** Led by Chairman Derryberry

**INVOCATION:** Laquenta Wooten

**PUBLIC BUSINESS FROM THE FLOOR – *AGENDIZED ITEMS:***

**CONSENT CALENDAR:**

**CC 1. Approve the Lancaster Neighborhood Vitalization Commission meeting minutes of July 3, 2012**

On a motion by Commissioner H. Harris and seconded by Hearn, the Lancaster Neighborhood Vitalization Commission approved the Consent Calendar by the following vote: 3-0-1-3; AYES: H. Harris, Hearn, Derryberry; NOES: None; ABSTAIN: Kiefer; ABSENT: C. Harris, Lawson, Moulton

CITY OF LANCASTER, CALIFORNIA  
LANCASTER NEIGHBORHOOD VITALIZATION COMMISSION MINUTES  
TUESDAY, AUGUST 7, 2012

**NEW BUSINESS**

**NB 1. UNITE Program –Approve the recommended projects for the 2012 UNITE Lancaster Program.**

Patti Garibay, Recreation Supervisor explained that the Safer, Stronger Neighborhood Committee has been working on the UNITE Program which will be implemented on September 22, 2012. The committee is proposing seven projects to the Commission for approval.

**Representatives from five of the UNITE Program Projects gave a brief presentation of proposed projects.**

Chairman Derryberry thanked the representatives for attending the meeting. He also asked if these groups need assistance with their projects. He asked if the commissioners seek assistance with sponsorships to help with costs.

Patti stated she would provide the commission with a list of items necessary for the program.

On a motion by Commissioner H. Harris and seconded by Kiefer, the Lancaster Neighborhood Vitalization Commission approved the recommended UNITE Program projects by the following vote: 4-0-0-3; AYES: H. Harris, Hearn, Kiefer, Derryberry; NOES: None; ABSTAIN: None; ABSENT: C. Harris, Lawson, Moulton

**NB 2. Schedule Special Meeting for Discussion and possible recommendation regarding regulation of vicious and potentially dangerous dogs in rental housing units.**

Chairman Derryberry explained that City Council has asked the commission to review, discuss and make possible recommendations regarding a proposed Ordinance regarding regulation of vicious and dangerous dogs in rental housing units. Chairman Derryberry would like to schedule a special meeting to give the community a chance to provide input. This would allow time for community outreach and to give them a voice. The tentative dates for the meeting are Tuesday, August 21, 2012 or Tuesday, August 28, 2012. Chairman Derryberry stated he would prefer to conduct the meeting on a date that our City Attorney could be present.

On a motion by Commissioner H. Harris and seconded by Kiefer, the Lancaster Neighborhood Vitalization Commission scheduled a Special Meeting for Tuesday, August 21, 2012 at 6:00 p.m. by the following vote: 4-0-0-3; AYES: H. Harris, Hearn, Kiefer, Derryberry; NOES: None; ABSTAIN: None; ABSENT: C. Harris, Lawson, Moulton

CITY OF LANCASTER, CALIFORNIA  
LANCASTER NEIGHBORHOOD VITALIZATION COMMISSION MINUTES  
TUESDAY, AUGUST 7, 2012

**COMMISSION/ STAFF UPDATES**

Brenda Gamlowski, Management Analyst announced that the City is hosting a Public Safety Fair, today, August 7<sup>th</sup> at Pierre Bain Park and encouraged everyone to attend. She also stated that the Mayor announced that residents should leave their porch lights on in support of National Night Out.

**COMMISSIONERS COMMENTS:**

None

**ADJOURNMENT**

The Lancaster Neighborhood Vitalization Commission meeting adjourned at 4:29 p.m. by Chairman Derryberry.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
COMMISSION SECRETARY

\_\_\_\_\_  
LNV COMMISSION CHAIRMAN

**CERTIFICATION OF MINUTES**  
LANCASTER NEIGHBORHOOD VITALIZATION COMMISSION

I, \_\_\_\_\_, \_\_\_\_\_ of the City of Lancaster, CA, do hereby certify that this is a true and correct copy of the original Lancaster Neighborhood Vitalization Commission minutes, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, CA on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(seal)

LNV CC 2
10/02/12

**LANCASTER NEIGHBORHOOD VITALIZATION COMMISSION  
SPECIAL MEETING MINUTES  
August 21, 2012  
6:00 P.M.**

**CALL TO ORDER:**

Chairman Derryberry called the meeting of the Lancaster Neighborhood Vitalization Commission to order at 6:00 p.m.

**ROLL CALL**

**PRESENT:** Commissioners Concepcion Harris, Howard Harris, Hearn, Kiefer, Lawson, Vice Chair Moulton, Chairman Derryberry

**ABSENT:** None

**STAFF MEMBERS:** City Attorney, Assistant to the City Manager, Recording Secretary, Recreation Supervisor II, Management Analyst II, Public Safety Manager

**PLEDGE OF ALLEGIANCE:** Led by Chairman Derryberry

**PUBLIC BUSINESS FROM THE FLOOR – AGENDIZED ITEMS:**

**NEW BUSINESS:**

**NB 1.** Approve the cancellation of the Lancaster Neighborhood Vitalization Commission meeting of September 4, 2012 and direct the staff to post the required notice. The next regular meeting would be scheduled for Tuesday, October 2, 2012.

On a motion by Vice Chair Moulton and seconded by Commissioner C. Harris, the Lancaster Neighborhood Vitalization Commission approved the cancellation of the September 4, 2012 meeting by the following vote: 7-0-0-0; AYES: C. Harris, H. Harris, Hearn, Kiefer, Lawson, Moulton, Derryberry; NOES: None; ABSTAIN: None; ABSENT: None

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TUESDAY, AUGUST 21, 2012

**NB 2. Liability of Property Owners for Vicious and Potentially Dangerous Dogs in Rental Housing Units**

Receive public testimony; discuss and determine possible recommendation to City Council regarding liability of property owners for vicious and potentially dangerous dogs in rental housing units.

Sally Grimm has rental in Lancaster. She is a retired letter carrier with USPS and most vicious dogs are chihuahua. She also raises pitbulls and it is not the dogs fault if vicious. Does not understand why the City would hold the landlord responsible for tenant's animals. The tenant owns the dog, takes care of and licenses the dog. Landlords don't have any jurisdiction over the animal. It does not make sense for the City to do this.

Pat Cummins has been in valley 40 years and has 2 rentals. The City needs to understand that landlords do not have control over their property. Her tenants signed a no pet agreement and then had 2 "visiting" pit bulls in the backyard. She started eviction process and tenants got rid of the dogs. Not allowed to inspect the property without their permission. Landlords do income checks, criminal checks and there isn't much more we can do. It is too much to ask to have property owners to be responsible for someone's else property.

Dr. Bill Pierce has been a landlord in the Lancaster for 17 years. They do not allow dogs so any dogs on property are illegal. The only way to get rid of them is to go through eviction process. This is impractical and nearly impossible based on landlord tenant laws in the State of California. Landlords do not have the right to inspect their homes, they must give notice therefore they are not aware of animals. He tried to enter a home and had the police called on him. It doesn't make sense to make the property owners responsible to tenants animals.

Ed Dunn – stated he is a landlord in Lancaster. He is shocked since State laws make individual/owners responsible for their animals that the City would put an Ordinance forward regarding property owners being responsible for tenant animals. The tenant signs a lease agreement stating they will not have pets but we have had "visiting pets" before. Fortunate not to have any injuries so far. Property owners should not be put in a position that the City would hold them responsible to tenant animals. The tenant would sue me, I would sue the City and the courts are already full with cases.

Chairman Derryberry asked City Attorney to clarify law

Dave McEwen - State law currently imposed liability on the owner of the pet. Law does not apply to landlord. Common law liability is when the landlord has "notice" that the tenant has a "vicious" dog that has already inflicted injury on someone and the landlord has not taken action to remove animal from property. If the landlord does not have knowledge, they are not held responsible.

Commissioner Lawson asked what define "notice". Counsel stated that "notice would just be knowledge of vicious meaning animal has previously attacked.

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Commissioner Harris stated he has heard of cases where an intruder on property was injured and then was able to sue. Would the landlord be held responsible in this case? Counsel stated yes.

Sharon Green asked what is driving this shift in responsibility to the landlord instead of the pet's owners. As a landlord, renters sign no pet agreement but sometimes they show up at property. I think the proposal as it is written is not adequate. I think the commission need to set and meet with the City Attorney and set forth the stipulations on when the landlord would be held responsible and when they would not be.

Carole Kelly stated that she is not a landlord and probably would have a hard time finding a place to live because of her dogs. She stated that tenants should not be punished for a well behaved dog. There is no specific proof that certain breeds are more aggressive than others. Irresponsible pet owners are to blame for bad dogs. We have good laws already in place – enforce them. Property owners should not be responsible for tenant animals as this would be a disaster. Renters with animals would have nowhere to go.

Raymond Bower stated that everything has already been covered by the other speakers. Any breed of dog can be vicious. What about the "Property Manager"? Does the property manager become liable? A dog has a right to protect property but not considered vicious.

Chairman Derryberry talked about the absentee landlord trying to do the right thing and they hire a property manager. Who is the responsible party?

Commissioner Harris stated that the ordinance could eventually address property managers and their responsibility level. As a Property Manager, I do allow pets. First I check with the property owner, I also check to see if the owners insurance covers pets. Certain breeds may not be covered by insurance. Ordinance still needs work.

Michael Rives What is a dangerous dog. We are setting ourselves up with this law. I'm liable if my cat scratches someone - we don't need an ordinance to tell me that. Is this a way of shifting liability to the citizens? Is this a way of preventing Section 8 tenants from having animals? Is a way of going after gang bangers? I think everything we say tonight has to be on record. Also, I think this is discrimination against senior citizens. Before we pass this law because I think we will be in court someday, do we want to supersede state law?

Chairman Derryberry addressed the audience at this time to clarify what the ordinance will do for the city. He asked the City Attorney to confirm purpose of ordinance.

Dave McEwen stated that this proposed ordinance does not conflict with state law, it extends the liability of what state law requires.

Betty Guenther stated that this is wrong for the landlords that have done their due diligence.



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Nancy Pastoral stated that the proposal is ridiculous. Animal control should be part of this solution. They should be doing their jobs by checking for license as well as spay and neuter all animals before they leave the shelter. It is not the landlords responsibility to be checking for these.

Maureen Feller stated that a lot has been covered but this item has not. We are basically saying that only homeowners have the right to have pets. 60% of residents are renters. If just half of the renters have to get rid of their pets that would be 1000's of dogs to be put down. You have given a death sentence to 1000's of dogs. I disagree that all pit bulls are bad and we have 1000 pit bulls in this valley. This was brought to you by an attorney that for the last 4 years has stated he hates pit bulls and rottweilers. Is there a reason why this is being presented? Have we had a rash of attacks? If so, hold the renter responsible since we already have law doing so. I think this is just another way to go after pit bulls. Can't believe this is even being discussed.

Bruce Hailstone stated that "we the people" believe that proposal is wrong. It is like making the landlord responsible for the children that are living there. A dog in most cases is a member of the family. I don't like the term "vicious" dog and as a landlord, I do not allow them. I have a solution – If the city required the Sheriff's Department to provide a notice to the landlords by sending postcards telling them that they visited their property today, that might help the situation. Nothing more, nothing less. We should be notifying our landlords of the problem before it is out of control. It doesn't make sense to make us responsible for something I am not aware of. He asked "what numbers are we really talking about here".

Chair Derryberry stated that it is a great suggestion. Shows the landlord would be put on notice. What do you do when you tell the renter – no pets and you go to the property and there is a pit bull?

Bruce Hailstone – We allow pets just like we allow children. We also have a pet application which includes the 10 worst dogs and some breeds are more aggressive than others. If applicant has one of those, we check with the property owner to see if they would accept animal and whether property owners insurance would cover that dog specific. Most times the property owner declined application. Once occupancy is taken and animal is on site, I then send correspondence stating violation and they must get rid of animal or face eviction. City should not micromanage. What numbers are we really talking about? Why should the masses pay for the few?

Pam Lawrence stated she has 25 units in Lancaster and doing this for 20 years. She feels that the current law is sufficient with the landlords taking responsibility if they have notice of vicious dog. She is concerned about the extension of the law as taking on more responsibility. The fact that the first bite is always a surprise, where does the liability end? I use the rental agreement and if they violate the agreement, they need to go. She stated that she really does not have options, I have to take pets if they bring a letter stating they need a therapy dog. They need to be responsible for their dog.

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David Paul asked if the Commission could clarify a few things. The enforcement of this ordinance – is there a fine? Would it be to the landlord? How is that fine levied? Who determines if the landlord has complied and done due diligence? These things are very time consuming and complex. Will the ordinance be putting the City liable or just fining the landlord?

Jonathan Kennedy stated he agrees with everything that has been said this evening. He is here to remind us that landlords can't enter the property except for 4 reasons pursuant to Civil Code. They are: 1) Emergency 2) Repair work 3) Tenant abandoned property 4) Court order. This makes it difficult to hold the property owner liable for tenant's animals.

Chris Pursley stated she is a dog lover and a property owner. She is having difficulty because she is receiving doctor notes from her tenant stating they need to have "comfort dogs". She requires a large pet deposit and strict guidelines in hopes it is a deterrent from having pets. Landlords can't police or gauge what is happening on the property. It would be an unnecessary burden on landlords to put this ordinance in effect.

Chairman Derryberry stated that landlords can't police property and can't control tenants. This is to put landlords on notice. If we can find some common ground with the landlord then it is possible we will not need ordinance.

Public Safety Manager could work with sheriff department to get statistics regarding calls for service. The landlord would receive notification. We could pull data and get that to the commission. He also stated that we could request from the LA County Sheriff's Department to clarify whether it is the property owner or the renter but someone needs to be held accountable. If the landlord has knowledge that there is a vicious dog on property, they would need to take responsibility.

Commissioner H. Harris stated that we must give the landlord the ability to correct the problem. Eviction is difficult and time consuming to the property owner.

Dave McEwen asked are the landlords on notice and how do they get notice. The chronic nuisance ordinance does not include dogs at this time.

Public Safety Office could put together a notice.

Chair Derryberry suggested that maybe we should fine landlords after so many calls which could be similar to our chronic nuisance ordinance. It could apply to those landlords that continuously rent to renters with vicious dogs.

Commissioner Kiefer stated that animal control needs to take active role in this process.

Dave McEwen stated that it is the scope of the insurance. Some breeds of dogs are not covered by insurance.

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Commissioner Harris stated that tenant is informed that specific breed of dog is not allowed. Renter insurance must be provided if they must/want animals.

Chair Derryberry stated that City Council wants this commission to make a recommendation regarding this ordinance.

Kelvin Tainatongo stated that the council has asked for feedback from the public and commission.

Dave McEwen stated that is it the function of the commission to express your concerns regarding the ordinance. Council may not like the answers you send but have asked for your assistance.

Chair Derryberry stated as the ordinance is written is not acceptable to this commission. Based on this discussion, there are ways to police the issues. Sheriff department maintains records and we can determine whether they are landlord/tenant issues or owner occupied issues. We can create something similar to the chronic nuisance law – once the landlord has been notified and does not remedy the situation, the second offense could be fined.

Public Safety Manager asked if the commission work be willing to form a sub-committee to work with staff, the Sheriff's Department and LA County Animal Control.

Chairman Derryberry volunteered to be part of that sub-committee and asked who on the commission would be willing to volunteer. Vice chair Moulton and Commissioner H. Harris volunteered to sit on sub-committee.

On a motion by Commissioner H. Harris and seconded by Vice Chair Moulton, the Lancaster Neighborhood Vitalization Commission approve the recommendation to form a sub-committee to work on the ordinance regarding liability of property owners for vicious and potentially dangerous dogs in rental housing units by the following vote: 7-0-0-0; AYES: C. Harris, H. Harris, Hearn, Kiefer, Lawson, Moulton, Derryberry; NOES: None; ABSTAIN: None; ABSENT: None

**COMMISSIONERS COMMENTS:**

Vice Chair Moulton stated that you are all responsible landlords and thanked everyone for being here tonight, it was really appreciated. Chairman Derryberry stated that their points were well taken.

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TUESDAY, AUGUST 21, 2012

**ADJOURNMENT**

The Lancaster Neighborhood Vitalization Commission meeting adjourned at 7:29 p.m. by Chairman Derryberry. The next meeting will be held October 2, 2012 at 4:00 pm at the Lancaster City Hall, Council Chambers.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
COMMISSION SECRETARY

\_\_\_\_\_  
LNV COMMISSION CHAIRMAN

**CERTIFICATION OF MINUTES**  
LANCASTER NEIGHBORHOOD VITALIZATION COMMISSION

I, \_\_\_\_\_, \_\_\_\_\_ of the City of Lancaster, CA, do hereby certify that this is a true and correct copy of the original Lancaster Neighborhood Vitalization Commission minutes, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, CA on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(seal)