

**STAFF REPORT TO THE BOARD OF ADMINISTRATIVE APPEALS FOR  
CONSIDERATION AT THE APPEAL HEARING OF SEPTEMBER 5<sup>TH</sup>,  
2024.**

**PREPARED BY:** Maraea Melander – Animal Control Officer #6393  
**DATE:** September 5<sup>th</sup>, 2024  
**SUBJECT:** Appeal of Actions after Administrative Citation Issued  
Animal Services Case No: A24-002803  
Antioch Municipal Code § 6-1.501 (K) FERAL CAT FEEDING

**REQUEST:**

Appellant Jenae Armstrong requests dismissal of Administrative Citation (#29911) issued on June 25<sup>th</sup>, 2024, for feeding feral cats on public property.

**BACKGROUND INFORMATION:**

For clarification purposes the following is a description of a **feral cat**. A **feral cat** or stray cat is a domestic cat that has reverted to a wild state, typically because it was abandoned or born outdoors and has since lived without direct human contact. Feral cats often form colonies and live in outdoor environments, relying on their instincts for survival.

**Activity #24-002803**

**Parties Involved:**

Animals Involved: Feral Cats located near E 19<sup>th</sup> Street / A Street  
Reporting Party: Daniel Alvarado  
Defendant: Jenae Armstrong

On June 25<sup>th</sup>, 2024, I Animal Control Officer Melander, was notified by Animal Services Supervisor Cottle of an email received by reporting party, DANIEL ALVARADO.

*The following email was received and forwarded to me for further follow up:*

From: Daniel Alvarado [REDACTED]  
Sent: Monday, June 24, 2024 9:03 PM  
To: Catriona Cottle <ccottle@antiochca.gov>

Subject: Urgent Matter: Request for Assistance Regarding Disturbances Caused by Stray Cats

Hi Catriona,

I'm writing to you regarding an ongoing issue that has been unresolved for 7 months now, and I would like to ask for your help. I've already contacted Antioch PD, Code Enforcement, and Animal Control, but this is primarily an Animal Control issue that falls under their jurisdiction. (Animal Control recommended I contact Code Enforcement for this matter, but that was not the appropriate channel.)

There is a woman (photo attached) who regularly feeds stray cats on public and private property that does not belong to her, claiming she runs a foundation. She drives a 2-door white Honda with the license plate number [REDACTED]. During each feeding session, she attracts up to 20 cats, which raises concerns for the safety of the cats and myself. The cats have vandalized my private property, damaging fences and leaving feces in my yard, causing a health hazard with a bad odor and attracting insects. Furthermore, here are a few pictures of the trays of food and cats she attracts. She also placed cat litter soil to attract even more cats.

She comes regularly to feed the cats, leaving trays of food and water. I've tried reasoning with her in a kind manner, but she resorted to violence and assaulted me, which I have captured on video.

I would like the opportunity to speak with you over the phone this week to discuss solutions. I have exhausted all of my resources, and this is my last resort.

I look forward to speaking with you.

Kind Regards,

Daniel

*End of email.*

I am well-acquainted with the complaint, having dealt with previous incidents involving JENAE ARMSTRONG dating back to February 2024. During this time, Armstrong was informed by me in person to cease feeding the feral cats immediately located in the empty lot, or an Administrative Citation would be issued. ARMSTRONG made claims that the lot belonged to her without any evidence supporting this claim.

I explained to Animal Services Supervisor Cottle that ARMSTRONG had been advised to stop feeding previously and continued to do so. She instructed me to issue ARMSTRONG an Administrative Citation based off the report made by ALVARADO on June 24<sup>th</sup>, 2024.

A citation was issued to ARMSTRONG at [REDACTED] for the 1<sup>st</sup> Violation of Antioch Municipal Code § 6-1.501 (K) Feral Cat Feeding based with a fine amount of \$100.00.

**APPEAL:**

Appellant wishes to appeal citation received. Appellant feels that she is not in violation of Article 5 of the Antioch Municipal Code, Unlawful Acts; 6-1.501 (K) which states that, it is unlawful to " (K) Harbor or feed a feral cat except on one's own property" as she is feeding cats from the E 19th location on her property i.e. her car.

**RECOMMENDATION:**

After review, the appeal to dismiss the Administrative Citation for feeding feral cats on public property should be denied. The activity violates Antioch Municipal Code § 6-1.501 (K) Feral Cat Feeding designed to protect public health and safety by discouraging the congregation of feral animals on public property, which can lead to unsanitary conditions.

**SUPPLEMENTAL ATTACHMENTS:**

Antioch Municipal Code Page 11

Activity Report from February 17<sup>th</sup>, 2024 A24-009597

Activity Report from June 25<sup>th</sup>, 2024 A24-002803

Administrative Citation Issued June 25<sup>th</sup>, 2024

4 Images provided by Daniel Alvarado as stated in email received on June 24<sup>th</sup>, 2024

# Activity Card

**A24-009597-1 CONTACT/ACO**

Priority Level: **DAILY**

Total Animals: 1 Animal Type: OTHER

Activity Address: 19 E 19TH ST

Activity Comment: ONGOING ISSUE WITH NBR FEEDING CATS AND LEAVING TRASH ALL OVER

**Owner Information:**

P084280 JENAE ARMSTRONG

[REDACTED]

ANTIOCH, CA 94509

[REDACTED]

**Caller Information:**

P086142 DANIEL ALVARADO

[REDACTED]

ANTIOCH, CA 94509

[REDACTED]

**Result Codes:**

Officer: P996393 MELANDER

Clerk: MRM6393

Call Date: 02/17/24 10:23 AM

New Date: 02/17/24 10:23 AM

Dispatch Date:

Working Date:

Complete Date: 02/17/24 11:00 AM

Memos:

## Activity Card

02/17/24: On 02/17/24, I Animal Control Officer Melander, responded to 19 E 19th Street for a report of a woman feeding cats in the empty lot leaving garbage and causing a nuisance.

I was familiar with the on-going dispute between the parties from previous encounters.

The following updates were given in Mark43 prior to my arrival by Antioch Police Department dispatch:

ARR. –

MC-3434

10:23:24

ONGOING ISSUE WITH NBR FEEDING CATS AND LEAVING TRASH ALL OVER STREET

PER K3, BOTH PARTIES HAVE BEEN TALKED TO BY ANIMAL CONTROL . 1 NBR HAS BEEN PUTTING UP BARB WIRE... PER K3 THIS IS A CODE ENFORCEMENT ISSUE

RP CALLED BACK TO SAY SOMEONE IS FEEDING THE CATS THAT IS FROM A FOUNDATION TO FEED THE CATS.

2DR WHI SEDAN PARTIAL PLATE 7K... PARKED IN WENDYS PARKING LOT , FEMALE ACTIVELY FEEDING THE CATS

RP GOT THE PLATE ON THE WHI CAR [REDACTED]

[REDACTED]

[REDACTED]

I arrived on scene and found Jenae Armstrong sitting in her vehicle watching the feral cats eat. The food was positioned along the fence of 19 E. 19th Street. There were various trays of food placed out in large amounts and approximately 10 to 15 cats in the area.

I contacted Armstrong in her vehicle and advised she must stop feeding the feral cats on the property as it does not belong to her. She claimed she maintains the lot she is feeding on and it is "built into a trust". I informed her she needed to show proof of that to be able to continue. She stated she understood. I advised Armstrong if she is out again after this incident she would receive an Administrative Citation for feeding feral cats.

MRM6393

# Activity Card

**A24-002803-1 CONTACT/ACO**    Priority Level: **DAILY**    Total Animals: 1    Animal Type: DOG

Activity Address: 19 E 19TH ST

Activity Comment: Jenae Armstrong continues to feed feral cats.

**Owner Information:**

P084280    JENAE ARMSTRONG

[REDACTED]

[REDACTED]

[REDACTED]

**Caller Information:**

P086142    DANIEL ALVARADO

[REDACTED]

[REDACTED]

[REDACTED]

**Result Codes:**

Officer: P996393 MELANDER

Clerk: MRM6393

Call Date:            06/25/24 02:34 PM

New Date:            06/25/24 02:34 PM

Dispatch Date:

Working Date:

Complete Date:    06/25/24 02:35 PM

Memos:

## Activity Card

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From: Daniel Alvarado [REDACTED]  
Sent: Monday, June 24, 2024 9:03 PM  
To: Catriona Cottle <ccottle@antiochca.gov>  
Subject: Urgent Matter: Request for Assistance Regarding Disturbances Caused by Stray Cats

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Catriona,

I'm writing to you regarding an ongoing issue that has been unresolved for 7 months now, and I would like to ask for your help. I've already contacted Antioch PD, Code Enforcement, and Animal Control, but this is primarily an Animal Control issue that falls under their jurisdiction. (Animal Control recommended I contact Code Enforcement for this matter, but that was not the appropriate channel.)

There is a woman (photo attached) who regularly feeds stray cats on public and private property that does not belong to her, claiming she runs a foundation. She drives a 2-door white Honda with the license plate number [REDACTED]. During each feeding session, she attracts up to 20 cats, which raises concerns for the safety of the cats and myself. The cats have vandalized my private property, damaging fences and leaving feces in my yard, causing a health hazard with a bad odor and attracting insects. Furthermore, here are a few pictures of the trays of food and cats she attracts. She also placed cat litter soil to attract even more cats.

She comes regularly to feed the cats, leaving trays of food and water. I've tried reasoning with her in a kind manner, but she resorted to violence and assaulted me, which I have captured on video.

I would like the opportunity to speak with you over the phone this week to discuss solutions. I have exhausted all of my resources, and this is my last resort.

I look forward to speaking with you.

Kind Regards,  
Daniel

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Citation issued to Janae Armstrong based on reports made by complainant Daniel Alvarado stating that Armstrong continues to feed cats on the property adjacent to his residence in violation of City of Antioch Municipal code.

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Defendant Janae Armstrong wishes to appeal citation dated June 25th, 2024. Ms. Armstrong states that she is not in violation of Article 5 of the Antioch Municipal Code, Unlawful Acts; 6-1.501 (K) which states that, it is unlawful to "(K) Harbor or feed a feral cat except on one's own property" and that she is feeding cats from the E 19th location on her property i.e. her car. Ms. Armstrong states that she is placing feeding containers on her vehicle and the cats are eating from them, therefore she is not breaking any laws.

Ms. Armstrong was referred to the City Clerk to file her appeal.

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Board of Administrations Appeal Hearing date is set for September 5th, 2024.



## ARTICLE 5: ANIMALS: PROHIBITIONS AND REQUIREMENTS

### § 6-1.501 UNLAWFUL ACTS.

It is unlawful for a person owning an animal to do any of the following. A violation of this section is also a public nuisance, under § 1-2.01(D):

(A) Abandon the animal, except to surrender it to the Animal Shelter or Animal Control Supervisor; (see Cal. Penal Code § 597s.)

(B) Fail to license a dog over the age of four months, or allow a dog to leave its premises when the dog does not have a current license affixed to its collar; (see Cal. Food and Agric. Code § 30951.)

(C) Allow an animal to be at large (or to be at a public park, playground or school unless under leash restraint); (see definition of "at large" at § 6-1.102.)

(D) Allow a dog to enter on private property without the consent of the person in possession of the property or to damage or destroy a lawn, tree, shrub, or other planting or any other improvement or thing of value on the property;

(E) Allow an animal to defecate on public property or private property of another without immediately cleaning up. The owner of each animal is responsible for the immediate removal of any excreta deposited by the animal anywhere but the owner's own property, and the sanitary disposal of the removal;

**(F) Fail to clean up excreta on one's own property within a reasonable period of time;**

**(G) Allow a barking dog or another animal-related noise that continues for 30 minutes or more in any 24-hour period or intermittently for 60 minutes or more during any 24-hour period causing disturbance to any person regardless of whether the animal is physically situated on private property;** (see definitions at § 6-1.102.)

(H) Allow a female dog to roam at large or remain accessible to other roaming dogs while the dog is in heat or breeding condition; (see Cal. Food and Agric. Code § 30954.)

**(I) Allow an animal to be tethered or leashed on any street or other public place unattended, except temporary tethering or leashing (or tying in an appropriate and safe place) as the owner enters a store or public place for a specific purpose. In no case shall the temporary tethering exceed 15 minutes;** (see Health and Safety Code § 122335; Penal Code § 597t.)

(J) Tether, fasten, chain, tie or restrain a dog to a dog house, tree, fence or other stationary object for any longer than three hours in a 24-hour period, except:

(1) To a running line, pulley, or trolley system (without a choke or pinch collar);

(2) As required by a camping or recreational area; or

(3) Other exception permitted under Cal. Health and Safety Code § 122335.

**(K) Harbor or feed a feral cat except on one's own property;**

(L) Beat, cruelly ill-treat, torment, tease, overload, overwork, or otherwise abuse an animal, nor cause, instigate, or permit any dogfight, cockfight, or combat between animals or animals

**ADMINISTRATIVE  
CITATION**  
City of Antioch

Citation # **29911**

- Code Enforcement - (925) 779-7042
- Police Department - (925) 779-6900
- Animal Control - (925) 779-6989

Date of Violation: 6/25/24 Time:  AM  PM Day of Week: Tuesday

Location of Violation: E 19th ST / A ST

Citation Issued To (owner/resident/business): JENAE ARMSTRONG

Address: [REDACTED]

City: ANTIOCH State: CA Zip: 94509

Driver's License: [REDACTED] State: DOB: [REDACTED]

Vehicle License: [REDACTED] Make: HONDA Model: WHITE

You are being issued an Administrative Citation for the violation(s) listed below. Continued violation may result in additional Administrative Citations and/or legal action.

- 1<sup>st</sup> Violation - \$100.00/\$130.00
- 2<sup>nd</sup> Violation - \$500.00/\$700.00
- 3<sup>rd</sup> Violation - \$1,000.00/\$1,300.00

Refer to the back of this citation for information on paying the amount indicated.

Code Section	Description of Violation	Fine Amount
<u>6-1.501(K)</u>	<u>FEEDING FERAL CATS</u>	<u>\$ 100.00</u>
		\$
		\$
		\$
		\$
<b>REINSPECTION FEE: \$</b>		<b>TOTAL DUE: \$ 100.00</b>

Notes: Further feeding of feral cats off property located on E. 19th will result in 2nd citation.

M MELANDER 6393 6/25/24 24007538  
Issuing Officer ID number Date Case #

TO AVOID ADDITIONAL CITATIONS, YOU MUST CORRECT THE ABOVE VIOLATION(S) ON OR BEFORE: 7/10/24

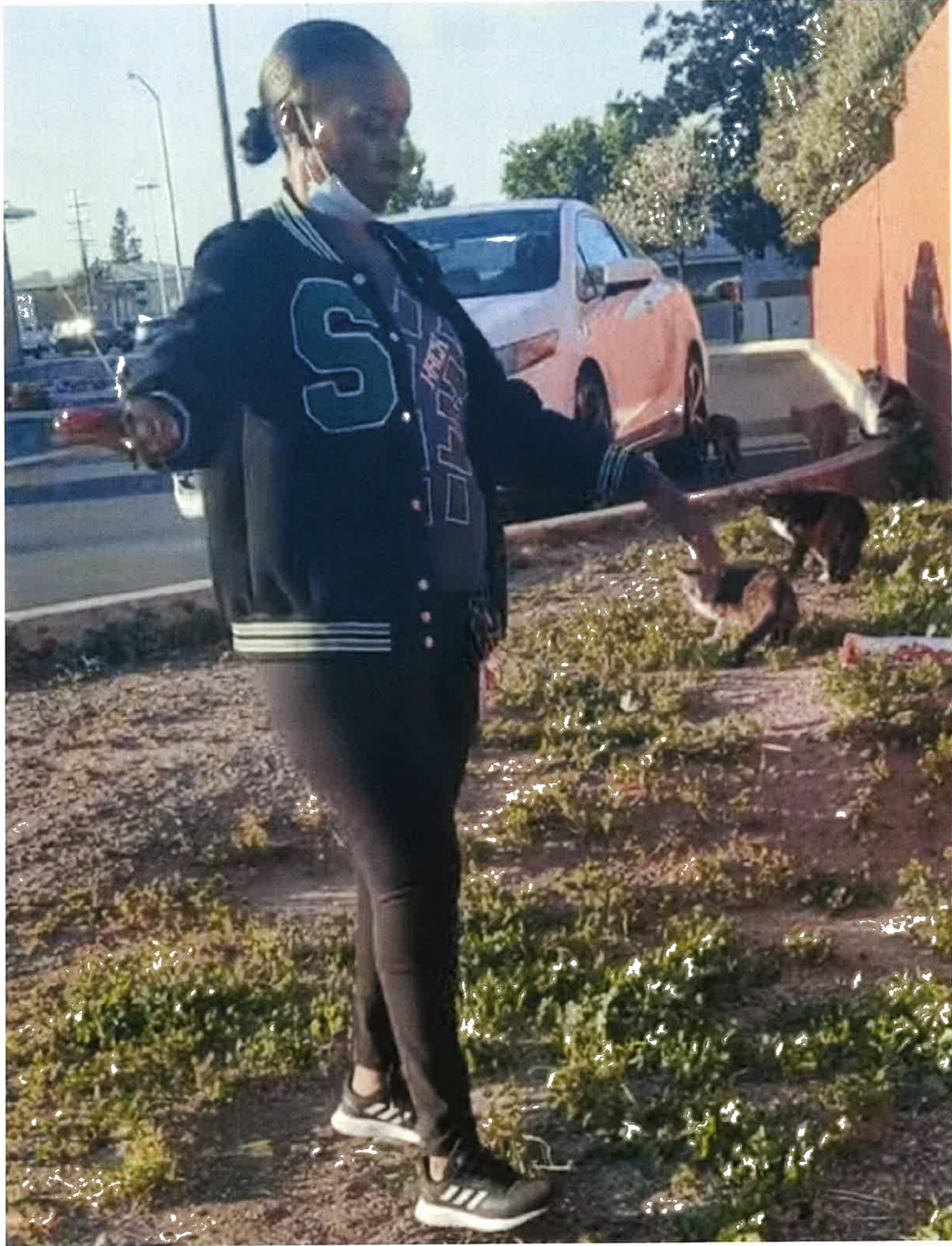
Questions regarding payment of this citation, call the Finance Department, (925) 779-7055. Mail payment to:

City of Antioch  
Finance Department  
P.O. Box 5007  
Antioch, CA 94531-5007

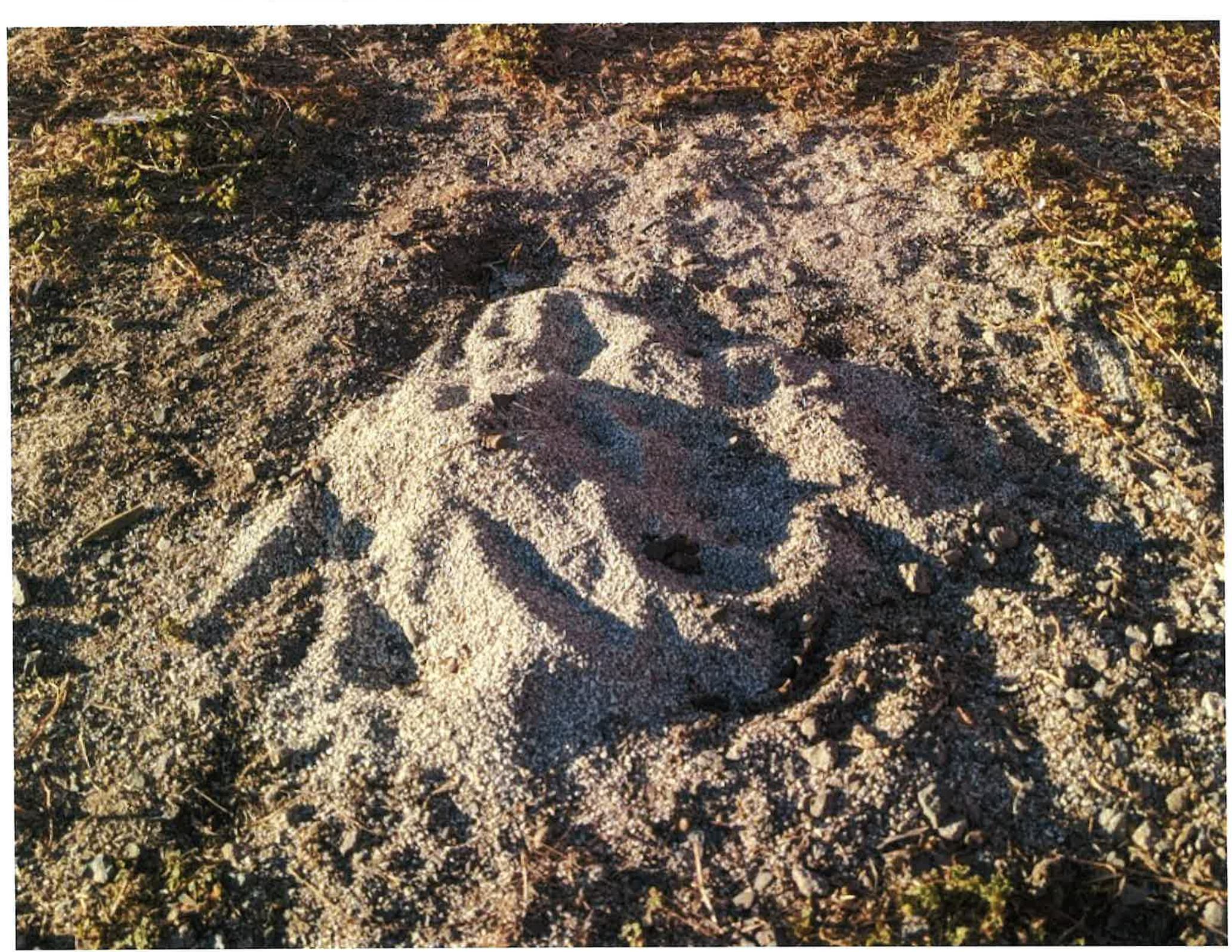
To pay in person, the Cashiers are located on the First Floor of City Hall, 200 H Street, Antioch, California, Monday - Friday - 8:00 a.m. - 4:30 p.m. except holidays

See Reverse Side

WHITE - FILE COPY / YELLOW - VIOLATION COPY / PINK - FINANCE COPY









JUL 09 2024

RECEIVED

### Citation Appeal Application

CITY OF ANTIOCH ATTN: CITY CLERK P.O. BOX 5007 ANTIOCH, CA 94531-5007 (925) 779-7009			
Date of Citation:	July 9, 2024	Citation #:	29911
Name:	Jenae Armstrong		
Property Address:	E. 19th / A Street Antioch CA		
Mailing Address:	[REDACTED] Antioch CA 94509		
Home Phone: ( )	Work Phone: ( )	Cell Phone: [REDACTED]	
Email:	[REDACTED]		
<b>REASON FOR APPEAL</b>			
See Attached Appeal Letter:			
Signature		Date	
[REDACTED]		July 9th, 2024	

**\*PLEASE NOTE:** A \$50.00 Board of Administrative Appeals Fee is also due when filing your appeal as per our City of Antioch's Master Fee Schedule located on our City's Website under the following link: [Master Fee Schedules – City of Antioch, California \(antiochca.gov\)](http://antiochca.gov).

JUL 09 2024

RECEIVED

July 9<sup>th</sup>, 2024

Appeal Letter:

I protest this Administrative Citations  
# 29911 not guilty and for the  
following Reason(s) and Request  
dismissal. Here are the following Reasons below:

I. I used my own property to feed stray  
CATS AS WELL AS public sidewalk or bike  
lane.

II. Ticket is not legible.

III. On this day in question, June 25, 2024;  
TUESDAY, I never met or encounter w/  
Animal Control officer at 10:00 AM

IV. Exactly on E 19 / A street; whereas,  
I were feeding any animals. [E 19 / A  
street are quite long.]

V. Feeding feral cats is not illegal  
in the state of California

VI. And Residents can't prove that I'm  
contributing to the deterioration of  
their living environment, bring waste or  
pollution... etc

151

Date: July 9, 2024





CITY OF ANTIOCH  
(925) 779-7055  
www.antiochca.gov

DATE : 7/9/2024 12:30 PM  
OPER : ACJ  
TKBY : Amanda Johnson  
TERM : 1  
REC# : R02133128

176.0000 ANIMAL Citation fees 100.00  
JENAE ARMSTRONG 7/9/24 100.00  
Citation - Animal Services 100.00  
214-332046020 -100.00

900.0000 TRUE MISC RECEIPTS 50.00  
JENAE ARMSTRONG 7/9/24 50.00  
Miscellaneous Revenue 50.00  
100-114047010 -50.00

Paid By:JENAE ARMSTRONG 7/9/24  
1-CA 100.00  
Paid By:JENAE ARMSTRONG 7/9/24  
4-CC 50.00AUTH:888769

APPLIED 150.00  
TENDERED 150.00

CHANGE 0.00

Cardmember acknowledges receipt of goods  
and/or services in the amount of the  
total shown hereon and agrees to perform  
the obligations set forth by the  
cardmember's agreement with the user.

X

XXXXXXXXXXXX1899  
Entry Mode: CHIP READ  
CVM:

EMV Details:  
AC: 48087F1404F343F4  
ATC: 00C1  
AID: A0000000031010  
TVR: 8080008000  
TSI: 6800

# ANTIOCH CALIFORNIA

July 18, 2024

Jenae Armstrong  
[REDACTED]

Antioch, CA 94509

Email: [REDACTED]

RE: Board of Administrative Appeals Hearing  
Location of Violation: E 19<sup>th</sup> Street / A Street, Antioch CA  
Citation Date: 06/25/2024  
Citation No.: 29911

Dear Jenae Armstrong,

This is a follow up to your written appeal filed on July 9, 2024. Also received was payment in the amount of \$150.00 (\$100 Animal Services' citation and \$50 appeal fee).

Please be advised your appeal is scheduled to be heard at the Board of Administrative Appeals **Meeting on Thursday, September 5, 2024, at 3:00 p.m.** The in-person meeting will be held at Antioch City Hall – Council Chambers, 200 H Street, Antioch, CA.

The Agenda with Staff Reports will be posted onto our City's Website 72 hours before the Board of Administrative Appeals Hearing date listed above. To view the Board of Administrative Appeals Agenda packet and Speaker Rules, simply click on the following link: <https://www.antiochca.gov/government/agendas-and-minutes/board-of-administrative-appeals/>.

All people who wish to speak at the hearing, including you, will be required to take an Oath. This case will be heard, and a decision rendered by the Board of Administrative Appeals. A General Information sheet is enclosed to answer any questions you may have regarding appeals.

Thank you.

Sincerely,



Vanessa Rosales, CMC, CPMC  
Administrative Analyst I  
[cityclerk@antiochca.gov](mailto:cityclerk@antiochca.gov)  
cc: Antioch Animal Services

Enclosures

Phone: (925) 779-7009  
Fax: (925) 779-7007  
[Antiochca.gov](http://Antiochca.gov)

OFFICE OF THE CITY CLERK



200 H Street/P.O. Box 5007  
Antioch, CA. 94531-5007  
[AntiochIsOpportunity.com](http://AntiochIsOpportunity.com)



PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA )  
COUNTY OF CONTRA COSTA) ss

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is Office of the City Clerk for the City of Antioch, 200 "H" Street, P.O. Box 5007, Antioch, California 94531-5007. On July 18, 2024, I served the within Notice, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Antioch, California addressed as follows:

Jenae Armstrong

Antioch, CA 94509

I, Vanessa Rosales, certify (or declare), under penalty of perjury, that the foregoing is true and correct. Executed on July 18, 2024, at Antioch, California.

A handwritten signature in blue ink, appearing to be "VR", is written above a horizontal line.



## **ADMINISTRATIVE BOARD OF APPEALS**

### **GENERAL INFORMATION FOR PERSONS APPEALING CITATIONS**

The Administrative Board of Appeals is comprised of five Antioch residents, who are appointed by the Mayor and have volunteered their time to hear your appeal. The Board Members do not receive monetary compensation for their time and they are not employees of the City. They do not make or control the law. They are hearing officers who will review your appeal because you have requested the City do so. As the person making the appeal (the appellant) please keep in mind the following:

#### **Schedule of Hearing:**

- When an appeal is requested, it is typically scheduled for the first Thursday of every month.
- You will receive written notice of the date and time of the appeal hearing from the City Clerk's office.
- The Agenda and Staff Reports will be posted onto our City's Website 72 hours before the Board of Administrative Appeals Hearing date. To view the Board of Administrative Appeals Agenda information, click on the following link: <https://www.antiochca.gov/government/agendas-and-minutes/board-of-administrative-appeals/>.

#### **When You Don't Show For Your Hearing:**

- If you do not appear at the hearing time and date you have been notified of, and unless you have provided the City Clerk seventy-two (72) hour notice before the hearing that you are requesting a postponement, your appeal will be heard without your participation.

#### **How You Will Act At Your Appeal Hearing:**

- You, and anyone else who is participating the appeal at your request, will maintain a respectful attitude at all time.
- If you or anyone else does not maintain a respectful attitude, you may be asked to "leave" the hearing by the Board Chairperson.
- Your appeal is not an opportunity to debate or argue with City staff or Board Members. Any questions should be directed to the Board Chairperson.
- When you speak, you should talk about the reasons why you feel the citation was wrongfully issued.

## How The Appeal Hearing Will Go:

- The Board will read your item of appeal from its Agenda.
- The Board will then ask City staff to present an oral report with regard to your citation. The Board may ask questions of City staff after the oral report. This oral report will be for **five (5)** minutes.
- After staff has provided its report, and the Board is finished with its questions of staff, you will then be called upon to speak.
- You will have **five (5) minutes** to present the reasons why you are appealing the citation.
- Any other additional persons who may oppose or support your appeal will have **three (3) minutes** to speak.
- The Board may then ask City staff for a rebuttal to the statements you or others made in support or opposition of your appeal. This rebuttal is only for **three (3) minutes**.
- Then the hearing is completed and the Board will then issue its ruling on your appeal.

## Your Burden:

- It is your appeal and therefore you bear the burden to prove that the citation was wrongfully issued.
- To win your appeal, you must have a majority of the Board uphold your appeal (3 of 5, or 2 of 3).
- If the Board determines there was in fact good reason to issue the citation, your appeal will be denied and the citation amount that you deposited to have your appeal will not be refunded.

## How The Board Will Rule:

### **The Board can only rule one of two ways:**

- To uphold your appeal and dismiss the citation.
- To deny your appeal and uphold the citation.

## Written Findings and Order:

- The Board will render their findings and recommendations after the hearing is concluded or as soon as possible.
- You will be mailed the written decision of hearing within ten (10) days of the hearing.