



CITY OF ATASCADERO

CITY COUNCIL STAFF REPORT

Item G2

Department: City Attorney
Date: January 13, 2026
Placement: Public Hearing

TO: James R. Lewis, City Manager
FROM: Dave Fleishman, City Attorney
PREPARED BY: Taylor Foland, Assistant City Attorney
SUBJECT: 4543 Yerba Avenue Nuisance Abatement Cost Recovery Hearing

RECOMMENDATION:

Council adopt Draft Resolution confirming abatement costs and authorizing the placement of a lien and levy of a special assessment to recover costs.

DISCUSSION:

The City Council is being asked to confirm the costs of abating the public nuisance located at 4543 Yerba Avenue, Assessor's Parcel No. 028-151-017 ("Property"), and authorize the placement of a lien and levy of a special assessment to recover the City's costs of abatement.

BACKGROUND

The Property has been the subject of numerous citizen complaints and enforcement actions beginning in around September 2020 regarding various local and state law violations, including, but not limited to unlawful outdoor accumulation of debris and waste, improper storage of abandoned and inoperative vehicles, accumulation and storage of combustible materials constituting a fire, health or safety hazard and failure to maintain safe, continuous and unobstructed paths of travel to and from the building. Notably, there have been two fires on the Property, one in March 2008 and another in September 2022, and several reports of illegal burning in 2023 and 2024.

The City issued the property owner, Ms. Terri Stinson, multiple warning letters and several administrative citations related to the code violations and fire hazards. In addition, Code Enforcement Officer Ayla Tomac attempted to work with Ms. Stinson over the past several years to remedy these violations by setting up weekly meetings and inspections to encourage forward progress. Despite these efforts, the Property remained in violation of the Municipal Code, California Health and Safety Code, the International Property Maintenance Code and the California Fire Code.

The property owner failed to timely abate the nuisance, so the City abated the nuisance conditions on the Property. Staff now seeks the City Council's confirmation of abatement costs and authorization to place a lien and special assessment on the Property to recover those costs.

NUISANCE ABATEMENT PROCESS

As a brief review, Chapter 9-8 (Enforcement) of the City's Municipal Code governs nuisance abatement procedures in the City. First, Section 9-8.107 requires the Enforcement Officer to determine that a nuisance exists and serve a Notice of Nuisance Abatement upon the property owner. This initial notice describes the nuisance condition(s) and orders completion of abatement within 30 days. (See AMC § 9-8.107(a)). If nuisance abatement is not completed at the end of the 30 days, the City may schedule a nuisance abatement hearing before the City Council. At the hearing, the City Council may determine the existence of a public nuisance, order the abatement of such nuisance within a reasonable time, and authorize the Enforcement Officer to abate the nuisance in the event abatement is not completed in accordance with the terms set by the Council at the hearing.

On May 27, 2025, the City Council adopted Resolution No. 2025-028 declaring that a public nuisance exists on the Property and ordering the abatement thereof within 45 days of the property owner receiving the order of abatement. Under that Resolution, if the nuisance conditions were not abated by the property owner within this time, the City Council authorized the City to abate the nuisance conditions and assess the reasonable cost and expense of abating the nuisance against the Property as a lien, or as a special assessment.

On August 20, 2025, the Court granted the City an abatement warrant authorizing the City to enter the Property "to remove debris and waste, inoperative vehicles, and combustible material in the front driveway, front yard and porch, side yards and back yard located on the parcel for the purpose of abating a public nuisance." (See Exhibit A to Attachment 3). Under the authority of the warrant and after proper notice, the City contracted with Coyote Tractor Services LLC to abate the nuisance conditions on the Property on September 2-3, 2025. On September 9, 2025, the City filed a return of abatement warrant with the Court. (Attachment 3).

Notice of this hearing has been provided to the property owner, which notice contained the required information under AMC §9-8.107(e), including the nature of the work done, an itemized account of the costs and receipts for the work, the amount of the proposed assessment, and a statement that the Council will hear and consider objections and protests to the proposed assessment. A copy of the notice is attached as Attachment 4.

Upon confirmation of an assessment by the City Council, the Enforcement Officer will prepare and record a lien with the County Recorder. The Notice of Lien then will be delivered to the County Auditor who will enter the amount of the lien on the assessment roll as a special assessment, to be collected at the same time and in the same manner as ordinary County taxes.

COSTS OF ABATEMENT

Abatement involved the removal of trash, debris, scrap, junk, solid waste, recyclable materials, organic materials, combustible waste and vegetation, rodent harborages, stagnant water and similar materials and conditions.

In total, the cost of abating the nuisance amounted to \$7,269.60 based on the following itemized account of costs set forth in Attachment 2:

Abatement Activity	Amount
Coyote Tractor Services; Remove debris and haul to dump	\$1,625.00
Coyote Tractor Services; Day 1 removal of debris by 3 Laborers (\$45.00 per hour per Laborer)	\$1,215.00
Coyote Tractor Services; Day 2 removal of debris by 2 laborers (\$45 per hour per Laborer)	\$810.00
Coyote Tractor Services; Rental of 2nd dump trailer for 2 days (\$200 per day)	\$400.00
City of Atascadero; Code Enforcement Officer supervision of abatement (\$160.98 per hour) (Sept. 2, 2025 – 10.25 hours; Sept. 3, 2025 – 9.75 hours)	\$3,219.60

In addition to these costs, there also may be County Fees for recording the lien. Staff recommends the City Council confirm a total amount of \$7,269.60, plus any additional fees imposed by the County, to be included in the Notice of Lien.

ALTERNATIVES TO THE STAFF RECOMMENDATION:

1. The City Council may modify the costs of abatement and authorize the modified amount be placed as a lien on the Property and levied as a special assessment.
2. The City Council may determine that no costs of abatement shall be placed as a lien on the Property and levied as a special assessment.


FISCAL IMPACT:

City incurred expenses in the amount of \$7,269.60 plus County recording costs will be collected through the property tax rolls.

REVIEWED BY OTHERS:

This item has been reviewed by the Administrative Services Director and Assistant City Manager.

REVIEWED AND APPROVED FOR COUNCIL AGENDA



 James R. Lewis, City Manager

ATTACHMENT(S):

1. Draft Resolution
2. Receipt from Coyote Tractor Services LLC
3. Return of Abatement Warrant
4. Notice of hearing for imposition of lien