



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** June 9, 2015

**TO:** Mayor and Councilmembers

**FROM:** City Attorney's Office

**SUBJECT:** Authorize Payment Of Attorney's Fees and Damages To Plaintiffs And Their Counsel Relating To *Brost As Trustee For The Luke Brost Living Trust, et al., v. City of Santa Barbara*

**RECOMMENDATION:** That Council:

- A. Authorize the payment of \$797,589.95 to the Plaintiffs, Brost, Barajas and Canley, and their attorney, Joseph Liebman, for damages, including the cost of attorney's fees relating to the above case; and
- B. Increase appropriations from General Fund reserves to the City Attorney's Office in the amount of \$797,589.95 to cover the settlement costs.

**DISCUSSION:**

In 2010, litigation was filed against the City for inverse condemnation after three Conejo Slide Mass C property owners lost their homes in the November 2008 Tea Fire. In December 2012, the City appealed the case. In March 2015, the appellate court rejected the City's argument and affirmed Judge Anderle's verdict in favor of the plaintiffs. As a result, the City is liable for the damages award in the amount of \$126,000 and plaintiffs' attorney's fees in the amount of \$671,589.95.

**PREPARED BY:** Ariel Calonne, City Attorney

**SUBMITTED BY:** Ariel Calonne, City Attorney

**APPROVED BY:** City Administrator's Office