



City Council  
Special Meeting Minutes - Draft

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Tuesday, December 21, 2021

10:00 AM

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Special Meeting

**1. CALL TO ORDER AND ROLL CALL**

Mayor Rogers called the meeting to order at 10:00 a.m.

**Present:** 5 - Mayor Chris Rogers, Vice Mayor Eddie Alvarez, Council Member Natalie Rogers, Council Member John Sawyer, and Council Member Tom Schwedhelm

**Absent:** 1 - Council Member Victoria Fleming

**2. ANNOUNCEMENT OF CLOSED SESSION ITEMS**

No public comments were made.

Mayor Rogers adjourned to closed session at 10:02 a.m. to discuss Items 2.1 and 2.2 as listed on the agenda.

Council Member Fleming joined the meeting at 10:03 a.m.

**2.1 CONFERENCE WITH REAL PROPERTY NEGOTIATOR**  
(Government Code Section 54956.8)

Property: 976, 980 and 1004 Hearn Avenue, Santa Rosa, CA. APN's 043-191-018, 043-191-019 and 043-191-020

Agency Negotiator: Jill Scott, Real Property Negotiator

Negotiating Parties: 976 Hearn- Jose Dominguez

980 Hearn- Turnkey Deals LLC

1004 Hearn- Arthur Vincent Nelson and Timothy

Nelson

Under Negotiations: Price and terms of sale.

**This item was received and filed.**

**2.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
(Paragraph (1) of subdivision (d) of Government Code Section 54956.9)

Name of Case: Nicholle Vannucci, et al. v. County of Sonoma, et al.

Court Case No. USDC Northern District of California Case No.  
3:18-cv-01955-VC

**This item is received and filed.**

**Mayor Rogers adjourned closed session at 11:19 a.m. and reconvened to open session at 11:21 a.m.**

### **3. ANNOUNCEMENT OF ROLL CALL**

**Present:** 6 - Mayor Chris Rogers, Vice Mayor Eddie Alvarez, Council Member Victoria Fleming, Council Member Natalie Rogers, Council Member John Sawyer, and Council Member Tom Schwedhelm

### **4. REPORT, IF ANY, ON STUDY AND CLOSED SESSIONS**

City Attorney Sue Gallagher reported Council met in closed session on Item 2.1 Conference with Real Property Negotiators regarding properties on Hearn Avenue and gave direction to the negotiator, on Item 2.2 Conference with Legal Council regarding Existing Litigation Vannucci v. County of Sonoma, City of Santa Rosa and gave direction to legal counsel.

### **5. REPORT ITEMS**

#### **5.1 REPORT - COUNCIL VACANCY APPOINTMENT PROCEDURE AND SCHEDULE**

**BACKGROUND:** Council member Jack Tibbetts has announced his resignation from the City Council effective December 21, 2021. His resignation creates a vacancy on the Council. Section 31 of the Santa Rosa City Charter provides that such vacancy may be filled either (a) by appointment by the Council within 60 days of the vacancy, or (b) by the calling of a special election.

Council must first determine which method it prefers for the filling of the vacancy. A special election would take place no earlier than June 2022. The City Clerk has received a preliminary estimate from the County of Sonoma that the cost of such special election could range between \$56,115 and \$102,878. An appointment by the Council would be governed by Council Policy No. 000-23, and would be effective upon selection of the successor. Policy No. 000-23 requires that the Council, at the earliest possible time after a vacancy occurs, adopt a schedule setting forth the time and date for: (1) submission of applications to fill

the vacancy; (2) submission by the public of questions for applicant interviews; and (3) interviews of prospective candidates by the Council at a public meeting. The selection process must be completed within 60 days of the vacancy. If Council determines to proceed by way of an appointment, Council may, by motion, approve a proposed schedule and authorize related documents and procedures.

**RECOMMENDATION:** It is recommended by the City Attorney's Office that the Council, by motion, determine the procedure and schedule for filling the Council vacancy caused by the resignation of Council Member Jack Tibbetts.

City Attorney Sue Gallagher presented and answered questions from staff. City Clerk Stephanie Williams was available to answer questions.

No public comments were made.

**A motion was made by Council Member Schwedhelm, seconded by Vice Mayor Alvarez, to fill the Council vacancy by the appointment process consistent with Council Policy 000-23 and schedule District 3 to be placed on the ballot in the November 8, 2022 election.**

**The motion carried by the following vote:**

**Yes:** 6 - Mayor Rogers, Vice Mayor Alvarez, Council Member Fleming, Council Member Rogers, Council Member Sawyer, and Council Member Schwedhelm

**Absent:** 1 - Tibbetts

## **6. ADJOURNMENT OF MEETING**

Mayor Rogers adjourned the special meeting at 11:53 a.m.

**Approved on:**

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**Stephanie A. Williams**  
City Clerk