



**AGENDA NO: I**

**MEETING DATE: October 23, 2017**

**THE FOLLOWING PUBLIC CORRESPONDENCE  
WAS RECEIVED BY THE CITY COUNCIL  
FOLLOWING POSTING OF THE AGENDA**

10/19/17

Agenda Correspondence for MBCC Special Meeting of 10/23/17.

**Agenda Item #1:** Removal of Richard Sadowski from the Planning Commission and WRFCAC

Dear Mayor Irons and councilmembers:

I **adamantly oppose** the removal of Richard Sadowski from these two bodies.

Richard is not a perfect person----but I can think of no one in Morro Bay who better represents the spirit, citizen activism, and love of the city. He has worked tirelessly for years to improve the city in any way possible---with no hidden agendas or self-serving motivation. He dares to speak what so many others are thinking---but are afraid to say.

If the city wants new people on these two bodies---then just say so. But if you are really removing Richard because of his words in the public comment portion of the recent council meeting---you should be ashamed of yourselves----for not allowing differences of opinion to be heard.

Regards

Jeff Heller

## Dana Swanson

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**From:** mandy davis  
**Sent:** Friday, October 20, 2017 8:53 AM  
**To:** Jamie Irons; John Heading; Marlys McPherson; mmakowetski@morrobaycagov; Robert Davis; jpannone@awattorneys.com; Maria Lomeli; Dana Swanson  
**Subject:** Forced resignation of Richard Sadowski

to whom it may concern:

i would first like to request that my comments be made part of the public comment and be submitted into record.

this coming October 23, the city of Morro Bay is having a public hearing to discuss the "resignation" of Planing Commissioner, Richard Sadowski. i will unfortunately be out of town, so i cannot comment in person.

i unequivocally protest this absurd action and maintain that it is a trumped up bit of mal-intentioned politisizing to remove a truthful, and strait speaking public servant. Richard speaks for many of us here in Morro Bay and the fact that his public comment was cut short and his very direct criticism of the city's directions was interrupted is unconscionable. i further am very concerned about the potential Brown Act violations by the city employees and council concerning this situation.

i know i speak for a very concerned, substantial population in this city that see this "demand for a resignation" as not only an over-reaction to a bold and well stated concern by a citizen, but as an overt attempt to quell statements of opinion that may be unpopular with certain members of the city council. this kind of action and direction, i will remind you is not only unethical, but illegal.

to sum up, i ask that the city council end this ridiculous witch hunt and maintain Richards status as a true, concerned public servant in the position of Planning Commissioner.

i thank you for your attention in this matter and the opportunity to be part of the public process.

Mandy Davis

## Dana Swanson

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**From:**  
**Sent:** Friday, October 20, 2017 6:21 PM  
**To:** Council  
**Subject:** Oct. 23 special meeting

Hello, Mayor & Councilmembers,

I don't understand the reason for considering the potential removal of Richard Sadowski. I was at the meeting when Richard spoke. I believe the Mayor indicated that Richard had requested 3 minutes to speak, in which case he was stopped before that time ran out. If he requested a shorter time, I understand the reason for stopping him at the end of the requested time. As mayor, there were a few times when I had to stop a meeting for that reason, and sometimes it was Richard Sadowski I had to interrupt and ask to conclude.

Yes, Richard should have set his remarks within the limit he chose. However, several people at that meeting had to be reminded their time was up, and there should not be a penalty imposed unless their reaction became threatening, which Richard's was not. Frustrated yes, threatening, no.

Unless there is more about Richard's service on the committee and planning commission that is not being revealed, I don't think he should be removed from his position for this one passionate outburst. There was a lot of passion that night in the entire audience, which happens when controversial and expensive issues are discussed, and it's part of our government process. I would hope you simply remind Richard that especially as an advisory board member he should respect the rules of proper decorum, and then let it go.

Janice Peters

## Dana Swanson

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**From:** Nancy Bast  
**Sent:** Saturday, October 21, 2017 7:05 AM  
**To:** Jamie Irons; John Heading; Matt Makowetski; Marlys McPherson; Robert Davis; Pannone; Maria Lomeli; Dana Swanson  
**Subject:** Retention of Planning Commissioner Richard Sadowski

Mayor and Council,

Please enter my email into the public record for this agenda item.

I am disheartened by your request for the resignation of Planning Commissioner and WRFCAC Member Richard Sadowski.

Our system of government requires representation of the people, all diverse elements of the people, for a democracy to be more than in name only, which I think is a sincere desire of your own.

I feel very strongly that Mr. Sadowski represents ME and MY VIEWS on both committees and that he has always contributed to the issues under his consideration in a proper, courteous, thoughtful and constructive manner resulting in better projects relative to **residents values**.

**His work experience makes him uniquely qualified to deal with certain issues** with which he is confronted, perhaps equal to or more than Councilmembers.

This council is struggling with profound community issues that are the result of previous councils that made decisions as a single mind with no dissension for meaningful discussion.

I feel each of you would not like to be thought of as unquestionably accepting one another's or staff's opinions without the residents best interests as the fundamental basis of your decisions.

Because I feel that is how Mr. Sadowski operates, it seems to me the council should place a high value on his position on both committees

**It is my hope that this council will respect and reaffirm Mr. Sadowski's membership on both the Planning Commission and WRFCAC.**

Sincerely,  
Nancy Bast

Sent from my iPad

## Dana Swanson

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**From:** betty winholtz  
**Sent:** Monday, October 23, 2017 3:05 AM  
**To:** Jamie Irons; Marlys McPherson; John Headding; Robert Davis; Matt Makowetski  
**Cc:** Martin R. Lomeli; Dana Swanson  
**Subject:** special meeting

Dear City Council:

It is difficult to comment on this item when there is no comment in the staff report as to why this item is before the City Council.

Twice I have witnessed the Morro Bay City Council discuss disciplining one of its own. These were for breaches of perceived intentional misrepresentation of the Council to other government bodies. At most there was a letter of reprimand. I would suggest that a breach of decorum is a lesser charge than that of misrepresentation.

Once I have witnessed the Morro Bay City Council dismiss a planning commissioner on the pretext of missing too many meetings. The Council gave the commissioner a chance to correct the absentee situation, but not to mutual satisfaction. The commissioner disagreed with the dominant council perspective at the time, the public supported the commissioner, and the Council lost credibility. You all know Mr. Diodati.

I have heard the City Council is considering the removal of Mr. Sadowski because (1) he offended your egos, (2) he talked to the news media (even though this item was agendized before it was in the newspaper), (3) he disagrees with your perspective, (4) he was loud, (5) he was emotional, (6) he was disobedient. I would suggest removal is for a serious to legal breach. There are lesser sanctions available to you including a warning, an oral reprimand, a written reprimand, sanctioning, and others.

Over the decades, I have witnessed City of Morro Bay employees rail on the Council during public comment. They did not lose there job. A volunteer should be treated no less, or have no less rights than an employee for overstepping a mark once.

If it is not too late, I would like my comments printed under correspondence on the City's website.

Sincerely,  
Betty Winholtz

## Dana Swanson

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**From:** Tim Crowley  
**Sent:** Monday, October 23, 2017 8:41 AM  
**To:** Council  
**Subject:** The Big Sadowski

Watching Richard Sadowski stir up an already contentious City Council meeting on September 26th reminded me of covering the dining room at CMC when things start heading south. It also made me wonder what he's stirring up behind the scenes. I have never seen a city commissioner, official or employee behave in such a deliberately disruptive manner in public, but I have seen them dismissed for a lot less.

The dude should not abide, particularly since he has shown no apparent regret or remorse for his actions.

.I support whatever decision you make and would love to attend both meetings to express that support but I'll be busy, which is too bad, because I'm sure that whatever happens, it will be interesting.

Keep up the good work.

No reply expected or required

Tim Crowley

## Dana Swanson

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**From:** Marla Jo Bruton  
**Sent:** Monday, October 23, 2017 1:09 PM  
**To:** Jamie Irons; John Headding; Marlys McPherson; Matt Makowetski; Robert Davis; jpannone@awattorneys.com; Maria Lomeli; Dana Swanson  
**Subject:** Comment letter for inclusion in the record of the Oct. 23, 2017 MBCC Special Meeting for Discussion of Removal of Richard Sadowski

Mayor Irons and Morro Bay City Council members,

First and foremost I request that my comments below be received into the public record for the Oct. 23, 2017 MBCC Special Meeting for Discussion of Removal of Richard Sadowski from his seat on the Planning Commission and WRFAC (Water Reclamation Facility Citizens' Advisory Board).

I am requesting that Richard Sadowski retain his seats on the Planning Commission and WRFAC.

Although no formal complaints against Richard Sadowski have been entered in to the agenda notice of meeting, I have remarks to share of my views on what has transpired since Richard's public comment at the September 26, 2017 MBCC meeting.

There has been an ongoing sequence of events which have led us to this Special Meeting today.

Below is a brief write-up of some of the concerns that I have regarding what happened at the September 26 Council meeting.

**1. Richard was cut off before his three minutes were up. Was this censorship?** Public comment speakers were supposed to have 3 minutes each to speak. The video of the meeting shows that Irons interrupted Richard at 2:31 into his comments. In a hostile tone, and speaking somewhat more loudly than usual, the Mayor Irons told Sadowski that he only had three minutes to speak "like everybody else".

Irons interrupted Richard immediately after he criticized the way the Council has handled public input for the project. Is this the reason that Richard was not allowed three minutes to speak? If so, it is a violation of the California Brown Act, section 54954,3 (c) which says,

*"(c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law."*

**2. Some actions of Council members and the City Manager are troubling.**

a. Use of private email addresses for City business: On October 3, 2017, Council member Red Davis contacted Richard to set up a "private" meeting to discuss "the Planning Commission". Davis used his private email address and Richard's private email address to set up the meeting. Why did Davis use private email addresses to conduct City business?

b. Who was responsible for the audience reaction after Irons stopped Richard from speaking? Richard reports that at that October 5 meeting with Red Davis, Davis said that some City Council

members had approached City Manager Marty Lomeli regarding the "unruly" crowd behavior that was allegedly caused by Richard's refusal to leave the podium when interrupted by the Mayor. Was it Richard's behavior that caused the audience response, or was it Irons' interruption and refusal to let Richard speak?

c. The Council may have violated Brown Act section 54952.2. Richard also reports that Davis told him at their October 5 meeting that City Manager Lomeli had asked some of the Council members individually if they would be willing to talk to Sadowski about resigning from the Planning Commission. That would be a violation of Brown Act section 54952.2, which says,

*"(b) (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries"*

d. Davis denied something he said to Richard at their meeting. On October 5, Red Davis asked Richard if he would be willing to resign from his position on the Planning Commission. Later, at the next City Council meeting, Davis denied it.

e. Irons and the Council refused to comment on communications that could be a Brown Act violation. According to a story published in the tribune,

*"When reached for comment, Irons and Councilman Davis declined to answer any questions about Sadowski or whether they had any communication with Lomeli about Sadowski's commission seat. Council members McPherson and John Headding said they didn't know anything about the matter, though Headding said Lomeli told him he suggested Sadowski consider resigning during a private meeting."*

*sincerely,*

*Marla jo Sadowski*

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## Dana Swanson

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**From:** B. Doerr  
**Sent:** Monday, October 23, 2017 12:20 PM  
**To:** John Heading; Marlys McPherson; Matt Makowetski; Robert Davis  
**Cc:** Dana Swanson; Jamie Irons  
**Subject:** 10/3/2017 Special City Council Meeting - Keep Richard Sadowski

DATE: October 23, 2017

TO: Morro Bay City Council

FROM: Barbara Doerr

SUBJECT: Support for Richard Sadowski - 10-23-2017

Tonight's action, requested by Mayor Irons on 10/10/17, is the most shameful of all legal actions taken by any City Council. It has no civility.

Richard Sadowski is a good man. Morro Bay needs more people like him – knowledgeable people willing to study the issues and speak out, not just a City Council “*rubber stamp*.” Richard served well, was reappointed by the Council to the Planning Commission, and WRFWAC, and has done a good job! He can be outspoken, but only for the benefit of this community. I'm proud to have Richard as a Morro Bay Planning Commissioner and believe he should remain in office until his term ends. Yes, he serves at the Council's “pleasure,” but what is happening is not a pleasure for anyone. It's deplorable.

Mayor Irons asked the Council, unnecessarily, at the end of the October 10<sup>th</sup> Council meeting to agendaize the removal of Richard Sadowski from the Planning Commission and WRFWAC. I don't know why Mayor Irons didn't just put the item on a future agenda himself, write the report to Council, present his justification/information for the removal, and not involve an early City Council vote or staff in this deplorable action. The Mayor said to you (Council), that he needed “three people to agendaize” the removal of Richard. I question why Mayor Irons asked you for your votes. According to Council Policies & Procedures (P & P's) Section 1.2,” ... **the Mayor...may place an item on the Council agenda without Council support.**” He didn't need your help, your courtesy. He can also call the Special meeting himself.

If the P&P's I read are wrong or outdated, I apologize.

Mayor Irons has not presented any written reasons for removal. In fact, the staff report supports Richard Sadowski by showing a history of Planning Commission appointment, reappointment, and appointment to WRFWAC – a job well done. He had support from Councils and Mayor. **I ask the Council to vote to withdraw this item from the agenda and adjourn before any further hurt is caused to yourselves or Richard.**

Further, I believe Mayor Irons is in violation of the Brown Act for unnecessarily seeking the votes of two councilmembers, basically a majority of the Council, before using his powers as Mayor to call a Special meeting and write the staff report with information/justification for Richard's removal. This is not a broad subject area like one would expect for consideration as a future agenda item. It is merely a Yes or No vote. Tonight's staff report does not state that Mayor Irons requested Richard's removal. As a member of the public, it was difficult, took time to research and to determine who requested Richards removal. No minutes of the 10/10 meeting are available. The staff report has no information which would justify an “informed decision” as required in the Council P & P's. In fact, the staff report lacks substance, and only presents the question. Staff presents no information on which to make a decision to remove Mr. Sadowski! This is understandable, because actually, this staff report should NOT have been written by staff, but by Mayor

Irons. Mayor Irons requested the future agenda item to remove Richard, it is his responsibility (not City staff) to present his written reasons for removal to the Council and the public; not seek two Council ("courtesy"?) votes before moving forward with this deplorable action. The decision seems to be left to personal perception, prejudice, and retribution.

Mayor Irons adjourned the October 10<sup>th</sup> Council meeting saying "with that our next city council meeting is October 24<sup>th</sup>." Wrong as it turned out, the next meeting of the Council was to be October 23<sup>rd</sup> per his request. Also, the hour chosen by Mayor Irons was 4:30 p.m. when most folks are working.

RECOMMENDATIONS:

I suggest the City Council remove or cancel agenda item and adjourn.

I suggest the City Council eliminate the "serve at the pleasure of City Council" for all Commissioners and Board members. And, change the language to read for removal only "for cause." This would show your support for an independent Commission System. Schedule a future agenda item to discuss this change.

I suggest the City Council change or eliminate this agenda item: **"D. COUNCIL DECLARATION OF FUTURE AGENDA ITEMS."** Only written requests, well thought out, should be presented by the Council Member seeking to place an item on a "FUTURE AGENDA" agenda item. This would eliminate future agenda items suggested in angry response to actions taken at a council meeting such as Richard's removal. During regular Council agenda items including Public Comment, the Mayor and City Council may make a motion and place issues on future agendas. You don't need the last item for impromptu oral future agenda item requests. Any agenda request should be carefully thought and presented in written requests are considered for a future agendas, then the Council, staff, as well as the public can provide comment and participate in this more meaningful open process.

I suggest the City Council require staff to always prepare and present draft minutes for the previous meeting at the next meeting of the Council. Also, there were no draft minutes for the October 10<sup>th</sup> meeting on the 10/23 Special meeting agenda or on the 10/24 Regular meeting agenda. This makes it very difficult for the public to understand the totality of the issue before the Council. This is especially bad when so dramatically affecting a good citizen of Morro Bay. Minutes are needed for the public to be truly informed.

Thank you for considering my comments and suggestions. Please do not remove Richard Sadowski.

Thank you, Barbara Doerr

**Following are excerpts from the Council Policies & Procedures that relate to the above statement:**

**1.2.2 PLACING AN ITEM ON THE AGENDA (COUNCIL MEMBER)**

*"If only one other Council Member supports hearing the item, then an item will be listed on the next available agenda, as determined by the City Manager, unless otherwise directed by the Council. The Council Member who made the request for the agenda item shall be responsible for providing the Council report and the Council will take no action on the substance of the matter at that review, unless there is adequate public notice and information is provided for the Council to make an informed decision. If no other Council Member supports hearing the item, then the item will not be placed on the agenda."*

*Pursuant to Section 1.2, the Mayor is responsible for establishing the Agenda and may place an item on the agenda without Council support. In such a situation, the Mayor, or Council Member who the Mayor is accommodating, shall be responsible for providing a Mayor or Council Report.*

**1.3.7.2.4**

*"Persons addressing the Council shall address the Council as a whole and shall not engage in a dialogue with individual Council Members, City staff or members of the audience. No questions shall be asked of a Council Member or a member of City staff without first obtaining permission of the Presiding Officer. The Presiding Officer shall determine*

whether, or in what manner, an answer will be provided. Any person violating this rule while addressing the Council shall be called to order by the Presiding officer."

## Dana Swanson

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**From:** Annie Pivarski  
**Sent:** Monday, October 23, 2017 12:09 PM  
**To:** Dana Swanson  
**Subject:** Richard Sadowski, Special Meeting, October 23, 2017

Hell, Ms. Swanson,

While it is too late to include this in the package for tonight's agenda, I would appreciate its inclusion in the documentation of public records.

Sincerely,  
Annie Pivarski

I am Annie Pivarski, Morro Bay resident and homeowner. My family has resided here for over 28 years. I am dismayed by the agenda put forth by you, Mayor Irons, and the Council. Need I remind you that expressing one's opinion over an issue that affects all of us here in Morro Bay...is still a right. To punish Richard Sadowski over his comments as a citizen and then turn around and tie it to an attempt to fire him from the Planning Commission is ludicrous. Own up to your actions.

I believe you owe Mr. Sadowski an apology-as well as the rest of our citizenry-for singling him out and creating a distraction and vendetta. My knowledge of Richard comes from having seen him in action at Planning Commission meetings, where he always *listens to* and *hears* public comments; and respectfully takes notes. One memorable event occurred when a developer burst out that he and the Commissioner had met at a meeting on the developer's property. Mr. Sadowski made a comment stating "I wasn't at the meeting you are referring to." The developer said, "Yes you were...you told me you were running for Mayor." Mr. Sadowski quietly sat back in his chair and said nothing more. It could have been a heated exchange. Unlike your reaction to Mr. Sadowski's comments, Mayor Irons, he chose to follow decorum and remain composed. If you are going to censor someone for extending their allotted time at least be consistent and apply it to all or none.

Thank You.

## Dana Swanson

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**From:** Metzger Tina  
**Sent:** Monday, October 23, 2017 12:03 PM  
**To:** Jamie Irons  
**Cc:** Dana Swanson; John Headding; Tina Metzger  
**Subject:** Richard Sadowski - Sept. 26, 2017 Public Comment

Please enter my letter below into the Public Record, concerning today's Special City Council Meeting.

Dear Mayor Irons,

By now you know, it is obvious to everyone that you rudely interrupted Richard Sadowski's public comment during the Sept. 26, 2017 City Council meeting before Mr. Sadowski's allotted three minutes were up. You rudely prevented Mr. Sadowski from finishing what he intended to say, before his three minutes were over.

Mayor Irons, you owe Mr. Sadowski, and the citizens of Morro Bay a public apology. Was this rude and hostile shutting down of Mr. Sadowski a mistake on your part? Was it a purposeful provocation and abuse of power on your part? Were you attempting to censor Mr. Sadowski's criticism of the Council?

Mayor Irons, you need to admit you were wrong to cut off Mr. Sadowski before his three minutes of public comment were up. You need to apologize to Mr. Sadowski, and the citizens of Morro Bay, who were denied the opportunity to hear what he had to say.

You need to stop all conversation about removing Mr. Sadowski from the Morro Bay Planning Commission and the Water Reclamation Facility Citizens Advisory Committee (WRFCAC). Mr. Sadowski is a vital and important member of both the Planning Commission and the WRFCAC.

Sincerely,

Tina Metzger

## Dana Swanson

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**From:** Robert Settje  
**Sent:** Monday, October 23, 2017 1:27 PM  
**To:** Council  
**Subject:** Richard Sadowski

Richard should not be removed from the WRFAC because you do not agree with him. I think the mayor and city council make terrible decisions. Elected officials usually do everything they can to avoid making decisions so they can be reelected but some how you think you can make bad decisions and get away with it. I will work day and night to make sure none of you are ever elected to anything and I know there are many Morro Bay citizens that feel the same way I do. Please do not make another bad decision today.