

## STAFF REPORT

**DATE:** January 28, 2020

**TO:** City Council

**FROM:** Robert A. Clarke, Director of PW – Engineering & Transportation  
Brian Abbanat, Senior Transportation Planner

**SUBJECT:** Bicycle, Transportation and Street Safety Commission’s Recommendation to Dismiss Commissioner Edelman from the Commission

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### **Recommendation**

Consider the Bicycle, Transportation and Street Safety Commission’s (BTSSC) recommendation to dismiss Commissioner Edelman from the BTSSC.

### **Fiscal Impact**

None

### **Council Goal(s)**

This item does not fulfill a specific City Council goal.

### **Background**

On October 16, 2019 three BTSS commissioners submitted a letter to the Davis City Council requesting removal of Commissioner Edelman from the BTSSC (Attachment 1). The letter asserts Commissioner Edelman “shows a lack of respect for the Chair, commissioners, and all involved by consistently prolonging meetings, derailing discussions, failing to yield the floor, and not accepting the decisions of the Commission.”

At the November 14, 2019 BTSSC meeting, the commission formally censured Commissioner Edelman on a 5-0-1 vote (Commissioner Edelman abstaining) “...for behaviors outlined in the letter, which will not be tolerated in the room. If behaviors continue, progressive penalties will occur.” Included in this staff report are Commissioner Edelman’s rebuttal (Attachment 2) and meeting minutes (Attachment 3)

At the January 9, 2020 BTSSC meeting, the commission approved a recommendation to dismiss Commissioner Edelman from the BTSSC on a 4-2-1 vote (Jacobson, Edelman opposed; Andrews abstaining). The meeting packet attachment and draft meeting minutes are included in this staff report as Attachments 4 and 5.

Commissioners are expected to adhere to the City of Davis Commission Handbook. Specifically, pages 33-34 outline the roles and responsibilities of individual commissioners:

<http://documents.cityofdavis.org/Media/CityCouncil/Documents/PDF/CityCouncil/2018-2019-Commission-Handbook.pdf>

**Attachments**

1. Letter to City Council from Commissioners Andrews, Gudz, and Mitchell.
2. Commissioner Edelman's rebuttal to November 14, 2019 censure.
3. November 14, 2019 BTSSC Meeting Minutes
4. January 9, 2020 packet attachment recommending Commissioner Edelman's dismissal from BTSSC.
5. January 9, 2020 BTSSC draft minutes.

Subject: BTSSC Immediate Action Requested

October 16, 2019

Dear City Council Members,

We are very sorry that we feel compelled to take this action, but our patience has run out. We believe that Todd Edelman has been given more than enough time to become a productive member of the Bicycle, Transportation, and Street Safety Commission (BTSSC). Instead, Mr. Edelman continues to disrupt the effectiveness of commission meetings. He shows a lack of respect for the Chair, commissioners, and all involved by consistently prolonging meetings, derailing discussions, failing to yield the floor, and not accepting the decisions of the Commission.

We are calling on you to remove Todd Edelman from the BTSSC immediately. If he remains on the Commission, we feel that we have no recourse but to resign from the BTSSC.

Please let us know your decision before the next BTSSC meeting on November 14.

We thank you for the opportunity to serve,

Frances Andrews, Vice Chair

Eric Gudz, Chair

Mike Mitchell, member

## **Censure Rebuttal**

**Todd Edelman**

**11.14.2019**

*"To my fellow Commissioners,*

*I regret that my behavior has elicited the negative reaction shown in the letter. I sincerely apologize for the times I was clearly out of order and disrespectful to the Chair and other Commissioners.*

*I do not apologize for my extreme passion in making Davis a better place for everyone moving inside and to and from Davis. I believe that my style was clear for the many months I attended BTSSC meetings before I was on it, often the only member of the public present. I admit that I personally don't generally mind if people get angry at official meetings in the City, unless of course it's a personal or worse type of attack. I don't see my goal as to calmly opine on infrastructure which can kill people or programs that can exclude them, and go against City policy and goals. I grew up knowing that four of my g-grandparents were not killed in traffic accidents, not killed in traffic crashes... they were murdered by their own governments; it affects everything I do. It's who I am!*

*I agree that often times my actions would contribute to meetings going over the scheduled ending time, but it's very clear - and I believe most would agree - that we have simply too much to deal with in general. To put it clearly, what's 15 min if it saves a life? I do admit that I am inspired by the City Council's frequent forays into Wednesday morning.*

*I will take exception to one more thing in the letter, which is that I've "been given enough time to be productive". This seems to not reflect on the multiple supported motions I've made, many of them with eventual unanimous support in vote, to e.g. ask Council to help create a more age-inclusive bike share system, and to make the yard waste program safer for cycling (and with other benefits), to include a priority route for cycling in the new Downtown and ensure separated cycling infrastructure in re-doing of the Mace Blvd. project. I initiated two sub-committees, one of which was ended because someone left the Commission and another that the current Chair apologized for not prioritizing. I've been very active in local social media when expressing personal opinions, though certainly often identifying myself as a BTSSC member, with the hope that it would help people engage with our Commission. In the "productive" theme, I do not deny that I've been frustrated that no one joined the first mentioned Commission when the other member left, when only one or two recommendations in my 15 page bike share report went forward, or when suggestions for e.g. bus-related services for Mace were not supported. There are perhaps some other examples, as well as other non-productive actions done with the best intentions.*

*Could I have been more productive? I can't answer that. I acknowledge that my view of productivity is not the same as everyone's.*

*In any case, from this point forward I promise to do my best to follow the Chair's instructions and not disrespect other Commissioners, or Council and Staff members present. However, It would be dishonest to myself, i.e. I 'd be selling myself out, to commit to not getting angry sometimes either because I disagree with what's trending in a discussion, or with a final vote itself. This is not a demand that people have to take my good with my bad; rather, I'm only making it clear that I'm trying to get my fellow Commissioners to fight as strongly as I aspire to."*

- Todd Edelman



**Minutes**  
**Bicycling, Transportation, and Street Safety Commission (BTSSC)**  
**Davis Senior Center, Valente Room (646 A Street)**  
**November 14, 2019**  
**5:30 p.m.**

Commission Members: Frances Andrews (Vice Chair), Todd Edelman, Eric Gudz (Chair),  
Jessica Jacobson, Mike Mitchell, Ayush Patel

Council Liaisons: Brett Lee, Dan Carson (alternate)

Staff: Brian Abbanat, Senior Transportation Planner

Absent: Commissioner Csontos

**1. Call to Order & Roll Call**

*Meeting was called to order at 5:31 p.m.*

**2. Approval of Agenda**

*Motion (Mitchell): Approve agenda.*

*Motion carries unanimously.*

**3. Censure of Commission Member**

*Motion (Gudz, Mitchell): Censure of Commissioner Edelman for behaviors outlined in packet letter, which will not be allowed in the room. If behaviors continue, progressive penalties will occur.*

*Commissioner Edelman read a prepared statement in response consenting to improved behavior and following the Chair's instruction.*

*Motion carries 5-0-1 (Edelman abstains).*

**4. Brief Announcements from Staff and Liaisons**

**A. Bike/Ped Program Update**

Jennifer Donofrio, Bicycle/Pedestrian Coordinator, gave an update on the program's activity this past month:

- Discover Davis.
- Taught final Biking with Confidence class of the year.
- Taught bicycle education for second graders at Chavez Elementary School.
- Spoke about bicycle education at the Women in Transportation seminar at UC Davis.
- Organized a pathway cleanup event.
- Hosted final Davis Bike Party event of the year.

Date: January 9, 2020

To: City Council, City of Davis

From: Bicycling, Transportation, and Street Safety Commission

Re: Meeting Agenda Item #8 – Recommendation of Commissioner Dismissal

Davis City Councilmembers,

The Bicycling, Transportation, and Street Safety Commission for the City of Davis recommends that Commissioner Todd Edelman be dismissed from service on the Commission. We ask that you take this item up, add it to your agenda at the earliest possible opportunity, and support this recommendation.

Respectfully,

Eric M. Gudz

Chair - Bicycling, Transportation, and Street Safety Commission

City of Davis

212 Bob Clarke commented that ideally, they would look at “corridor”/spillover effects, even  
213 if just 3-4 blocks.

214  
215 Commissioner Edelman referenced future state legislation that would allow for local control to  
216 lower speed limits.

217  
218 Bob Clarke summarized that the Traffic Calming program exists as a CIP and is generally funded  
219 at \$100,000/year. Emphasized the difference between traffic calming and traffic safety, and that  
220 most of the 100+ requests are the latter. Traffic calming was intended to deal with speeding and  
221 high volume cut-throughs in residential neighborhoods. Staff is currently filtering the traffic  
222 concerns received and a decision tree will be shared when this topic returns to the commission.

223  
224 Commissioner Gudz asked for staff to explain how some locations made the cut and others didn’t,  
225 when the item returns to the commission.

226  
227 Commissioner Edelman commented that there is no traffic calming reference on the City website  
228 and whether development fees can be increased or earmarked for traffic calming.

229 Mayor Lee responded that no major changes in development fees except using bedrooms  
230 as the metric rather residential unit. Added that existing funding amount can be adjusted,  
231 if needed.

232 Bob Clarke added that the General Plan Update is a typical process for reconsidering  
233 impact fees, which the City intends to initiate in the next year or two.

234

235 **8. Recommendation of Commissioner Dismissal**

236 Commissioner Gudz introduced the item. Stated the topic was discussed at length in the  
237 November meeting and the issue has taken a lot of the commission’s time.

238

239 *Public Comment*

240

241 Alan Pryor commented this commission has a long habit of challenging the status quo and sees  
242 Todd as representing that vision. This commission is not as active as others. Todd does not go  
243 along to get along. Referenced Brown act issue and stated to be careful what you wish for.  
244 Questioned whether proper procedures are being followed.

245

246 Jon Hess commented that Todd is a valuable commission member who has a wealth of  
247 knowledge. Does not support removal.

248

249 Collin Walsh commented Todd is an important member of the commission. Chair should act as a  
250 neutral arbiter. Commission should support different points of view.

251

252 Roberta Millstein read a prepared letter and commented commissioners should be tolerant of each  
253 other. Stated Todd is sincere, knowledgeable and the last person who should be dismissed. Stated  
254 Todd has not been given time since the censure for a decision to be made.

255

256 Trish Price commented this is an extraordinary step and is irreversible. City needs people like  
257 Todd and him, specifically. Stated appreciation for the expertise he brings.

258  
259 *Commission Discussion*

260  
261 Commissioner Mitchell stated that, to the public, this may seem like a sudden move but has been  
262 a longstanding issue. This is not a question of knowledge or different point of view. Stated as  
263 chair he spent hours trying to help commissioner Edelman prepare motions that could be  
264 supported and to effectively participate in the commission. Stated the commission is at a tipping  
265 point.

266  
267 Commissioner Andrews stated that she respects commissioner Edelman and appreciates his  
268 knowledge. Noted that commissions meet once a month and has to be able to accomplish things.  
269 When commissioners feel their time is not respected and other peoples' time is not respected, it  
270 doesn't feel like a commission.

271  
272 Commissioner Csontos stated the commission is not getting things done. Meetings should be  
273 condensed, quick, and working in smaller groups.

274  
275 Commissioner Edelman stated the item proposed had no detail for people to understand and he is  
276 asking for information. He offered this meeting as an example for improvement. Stated an  
277 apology was made in November. Feels he has been productive in forming 2-3 subcommittees and  
278 has had good interactions at tonight's meeting.

279  
280 Commissioner Jacobson echoed the need for getting things done. Appreciates commissioner  
281 Edelman's contributions and leans to giving more time since today's meeting was effective.

282  
283 Commissioner Edelman commented that topics being delayed on the long range calendar are  
284 erroneous to attribute to him.

285  
286 Commission Patel stated he shares frustrations with commissioners.

287  
288 *Recommendation to dismiss Commissioner Edelman vote follows:*

<i>Vote Type</i>	<i>Commissioner</i>
<i>Aye</i>	<i>Gudz, Mitchell, Csontos, Patel</i>
<i>No</i>	<i>Jacobson, Edelman</i>
<i>Abstain</i>	<i>Andrews</i>
<i>Final Vote</i>	<i>4-2-1</i>

289  
290 Commissioner Edelman inquired how this item goes forward.

291 Mayor Lee stated the action taken by the BTSSC is a recommendation to Council. It is up  
292 to Council to consider. It will not be on this Tuesday's agenda.

293