



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **4TH DAY OF FEBRUARY, 2004** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi and Saltzman, 3.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Harry Auerbach, Senior Deputy City Attorney; and Officer Curtis Chinn, Sergeant at Arms.

<p>DUE TO THE ABSENCE OF TWO COUNCIL MEMBERS NO EMERGENCY ORDINANCES WERE CONSIDERED THIS WEEK ALSO ITEMS WERE NOT HEARD UNDER A CONSENT AGENDA</p>	<p>Disposition:</p>
<p>COMMUNICATIONS</p>	
<p>92 Request of Todd J. Kurylowicz to address Council to raise social consciousness (Communication)</p>	<p>PLACED ON FILE</p>
<p>93 Request of Glenn Warren to address Council regarding the legacy of violence by the U.S. Government on its citizens and other Nations (Communication)</p>	<p>PLACED ON FILE</p>
<p>94 Request of Richard Koenig to address Council to gain accountability of Public Information Officer Cheryl Robinson (Communication)</p>	<p>PLACED ON FILE</p>
<p>95 Request of Charles E. Long to address Council regarding the hidden problem of elder abuse (Communication)</p>	<p>PLACED ON FILE</p>
<p>96 Request of Watchman to address Council regarding church (Communication)</p>	<p>PLACED ON FILE</p>
<p>TIME CERTAIN</p>	
<p>97 TIME CERTAIN: 9:30 AM – Refer Charter Amendment to voters at the May 18, 2004 Primary Election to provide that candidates who receive a majority of votes cast for an office at the Primary Election are elected (Resolution introduced by Auditor Blackmer) (Y-3)</p>	<p>36198</p>

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REGULAR AGENDA

Mayor Vera Katz

<p>98 Amend Title 33, Planning and Zoning and Title 32, Signs and Related Regulations, to update and improve various City building and land use regulations and procedures that are hindering desirable development (Second Reading Agenda 90; amend Titles 32 and 33) (Y-3)</p>	<p>178172</p>
<p>99 Amend Title 17, Public Improvements to update and improve various City transportation regulations and procedures that are hindering desirable development (Second Reading Agenda 91; amend Title 17) (Y-3)</p>	<p>178173</p>

At 9:53 a.m., Council adjourned.

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WEDNESDAY, 2:00 PM, FEBRUARY 4, 2004

**DUE TO LACK OF AN AGENDA
THERE WAS NO MEETING**

GARY BLACKMER
Auditor of the City of Portland

By Karla Moore-Love
Clerk of the Council

For a discussion of agenda items, please consult the following Closed Caption Transcript.

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Closed Caption Transcript of Portland City Council Meeting

This transcript was produced through the closed captioning process for the televised City Council broadcast.

Key: ***** means unidentified speaker.

FEBRUARY 4, 2004 **9:30 AM**

[Roll call]

Katz: Commissioner Leonard is in Taiwan on a business trip, representing the council and myself, commissioner Sten is on paternal-maternal leave. All right. Let's do communications. 92.

Item 92.

Todd Kurylowicz: My name is Todd Kurylowicz, resident of Portland, and I don't have any if you footage for you today, but we do have quite a library we're putting together some more tapes for you to keep pressing this issue a little further. I never got back -- you never got back to me about the meeting.

Katz: I'm doing budget, so you are going to have to wait a little bit right now.

Kurylowicz: Ok. We'll we'll continue putting the videos together to show the public what's happening on your streets. This should be put on the consent agenda to be addressed and what we're calling for is I think would be appropriate that the officers involved in these situations where they're blatantly singleing out peaceful demonstrators should not be able to go to demonstrations, should in fact not have arms, there should be an investigation into the city attorney's role in this type of behavior as he was standing beside the two police officers that arrested Amber, as well as a public informal review of the review of the policies that police are taught and carry out at demonstrations aimed at changing that policy. And I -- there's always new news as I heard about the Portland -- the student activist alliance demonstration where a couple people were singled out, I have yet to see that footage, but hopefully we'll be able to get ahold of that to present to you. And as well, I would like to bring Mr. Francesconi into this. You're hoping to be mayor, police commissioner, and you have an opportunity to say something as well to these videotapes that you saw the past two weeks, and is this behavior going to be happening on your watch?

Francesconi: We have one mayor at a time.

Kurylowicz: Is there anything you would do that would be new possibly that -- to address this situation, these kinds of behaviors? Did anybody else have a statement on this? They're pretty brutal footage of your police officers. Dan, you saw them too. Have the attorneys advised you of anything to say on these issues? Nothing? I think silence is an answer when a person is in -- going to be completely truthful. I hope to see you soon.

Katz: I just want to remind you, these are your three minutes. Thank you.

Kurylowicz: And I'd like to remind you --

Katz: 93.

Kurylowicz: -- a forum we can discuss these things.

*****: He's running a little late.

Item 94.

Katz: 94.

Richard Koenig: Good morning city of Portland and the commissioners. This is going to be an invitation for people to come to the next C.R.C., citizens review committee on the 17th in the lovejoy room, I believe that's at 5:30. Since I was last in front of you lecturing you about the right of the people to use the highway, I found out that Mayor Vera Katz knew or should have known from

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personal knowledge as speaker of the house she signed a law into being that says the d.m.v. may adopt a rule to provide for the optional titling of the people's exempt vehicles, but it's upon request of the owner. Well, the rule never got adopted, and so it's as illegal today to title and register people's vehicles and turn them into regulated motor vehicles as it was in 1985, when the director of the d.m.v. admitted that it was illegal. I talked to cheryl robinson recently, after bryant schmatz left, hoping to get a little bit different treatment from the new watch, public information officers position. She told me that there were -- there is case law that says the public is subject to business regulations part 2, or the vehicle code. I said oh, that is the piece I need, cheryl, why don't you tell me what that case or one of those cases is? She gave me this raptive fecal material and said, I don't have time to look up the law that we ostensibly are enforcing against the public every day illegally. I called her a liar. It been white washed once already, but at this point, i'm issue a challenge to her here today in front of you folks just so there's accountability when it comes around for your review later, that she's a liar and if she doesn't come to the next c.r.c. meeting and use her three minutes to defend and produce one piece of case law, one court decision that supports her contention, then i'm going to be filing a complaint against her and then it's eventually going to come up for review with you, vera. And you've got personal knowledge that this is a scam, that this is illegal. I am happy to be here today and have you boxed in like this. So everybody turn out, if you can't remember the date and the time, you can call dr. Michael hess, his number is 2 -- 823-4126. He works as the executive -- some kind of director for the c.r.c., and he'll give you the information about the meeting where cheryl robinson, Portland police bureau information officer, probably won't show up. Thank you.

Katz: Thank you. 95.

Item 95.

Charles Long: My name is charles long, I live at 420 northeast mason street. Those in our population 65 years and older is the largest segment, growing segment of our population, and it's growing at percentage wise every year. This population is a prey for criminals of various types, and various schemes to abuse them. I'd like to speak on frustrations that I have had to deal with the situation personally at my residence, irvington village assisted living retirement home, where there has been a great deal of larceny of currency and private property at the considerable value. After my apartment was invaded and some things of value removed, I complained to the management and I got into quite an argument with her, because she didn't seem to be concerned, and after talking to me, she told the nurse that I should see a psychiatrist, and the nurse made an payment with the psychiatrist at the v.a. medical center, and so forth. That was a threat to me, and i've tried calling the state ombudsman's office, and they came out and commiserated with me, but did nothing. Also, the elders in action, which is an important private agency with offices at fifth and Washington street, they took my information and did nothing. I called the -- I went personally to the northeast precinct and said I wanted to make citizens arrests for three individuals where I live, they said i'd have to get a policeman to come out, therefore I couldn't do it on my own. I called the elder abuse officer of the city of Portland, she took my message on email, I didn't talk to her personally, and I didn't get an answer. So that's the frustration that I have to dealing with a problem that is hidden from the public, but is blatant and I imagine that every facility similar facility has this problem in Portland, and something should be done about it. Thank you.

Katz: Mr. Long, can you hear me?

Long: Yes.

Katz: Would you contact my office and my public advocate, michael mock? Thanks. All right. 96.

Item 96.

Watchman: Good morning, council.

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Katz: Good morning.

Watchman: Homeless person carrying a blanket under his arm was denied entrance to the tri-met office at pioneer square. A police officer said it was against the law for him to bring bedding into the tri-met office. Verse 9, woe to him that covet to his house, that he may set his nest on high, that he may be delivered from the power of evil. In other words, we are not supposed to try to insulate ourselves from the undesirable things of life. Verse 10 goes on to say, thou has consulted shame to thy house by cutting off many people and has sinned against thy soul. I know people have been chased off the sidewalks the last place of existence for many people. The police are taking orders from posse makers when they do this. Verse 11 goes on to say, "for the stones shall cry out." the united states will be destroyed, olympia, Washington, and Portland, Oregon, will be burned and looted because they won't let poor people sleep on the sidewalks. United states will be destroyed because we have idols in our hearts. Anybody who puts denomination before god has an idol in their heart. The stones shall cry out of the wall and the beam out of the timber shall answer it. Verse 12. Woe to him that buildeth a town with blood and establishes a city by inequity. Versus 13. Behold, is it not of the lord of hosts that the people shall labor in the very fire? Our reference is the day of god, 2 peter, 3:12. That the people shall labor in the very fire and the people shall worry themselves for very vanity?

Katz: Thank you. All right. 97.

Item 97.

Gary Blackmer, City Auditor: Good morning, mayor, commissioners. I'm gary blackmer, Portland city auditor. One of the responsibilities in my office is to maintain and keep current our city code and charter. And we try to do that in a variety of ways, and this is an issue that the city has been doing this -- its elections this way for decades, and may even be back to 1913, in which some -- when a candidate gets a clear majority in may, they are still on the ballot in november by themselves and there's really -- it's a single person run-off. The state statutes direct -- they have general procedures for elections, and in those cases they direct that the person is automatically elected in may. What we're proposing is that we move into an election process like the rest of the state, local governments, in which if there is no run-off because someone has gotten a clear majority in may, that person is considered elected. So in order to do that, we need to have a charter change. We have gone through all the language of the charter in the code to make sure we haven't created any unintended consequences through this change, and so what we'd like to do is submit to the voters on the may 18 ballot a change that would elect city officials in cases where a candidate has received a majority of votes cast. They would still take office in january, but there wouldn't be the single candidate on the ballot or in the voters' pamphlet. My office gets a number of calls from voters every november and october wondering why they're voting again for a candidate who was elected. We're looking at any way that we can reduce that kind of confusion as well as any minimal cost that's may come from an extra page in the voters' pamphlet and extra ballot box that people have to look at. So to that degree, it's not a significant amount of cost savings, but from my standpoint, this is a housekeeping matter that cleans the process up a little bit, makes it like other local jurisdictions. So I would encourage you to put this on the ballot. It would not take effect until may of 2006, so two years from now would be when it happens, since we're currently in an election cycle, we don't think it's appropriate to change it at this point. So it would only be at the next election cycle that it took effect.

Katz: Let me ask you a question.

Blackmer: Sure.

Katz: If at the end of the four years no successor is yet elected and qualified, the incumbent shall continue to hold office. Has this ever happened? Why is that in there?

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Blackmer: I just finished reading jewel lansing's book on the history of Portland. I'm trying to recall, I think there have been a couple of cases quite a ways back. It's always been the language there, and essentially that would continue. So it would not create a problem, per se. So i'm not sure

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Katz: Did they go to prison, or --

Blackmer: No, I don't -- I think there were cases where people were not in town when -- because they were out of town on business and so forth, so this the candidate had to -- the incumbent had to stay on until that was filled.

Katz: Ok. So the only thing that would be prevented is another write-in.

Blackmer: Yes. And in fact we looked at the history of write-ins to see if there were any cases like that, and there's only case that we could find where there was some kind of an organized effort for a write-in was a write-in to try to get frank ivancy elected over bud clark in november, and in that case they only got 25% of the vote. So it was still a very long ways away from being able to overcome that, and I guess the question would be, if there were -- if a candidate were to amount a write-in after may, why didn't they file to be in the may election? So to a certain degree the voters are more likely to have seen that candidate before, and we still have the recall in place if for some reason something happens and a candidate needs to be removed. So that -- the process still offers that opportunity.

Katz: Thank you. Further questions? Anybody want to testify on this item? All right. Roll call.

Francesconi: Gary, thanks for taking your job so seriously and working to clean up the charter. What I think is essentially a housekeeping issue. Aye.

Saltzman: This sounds like a good thing to clean up in our code, our charter, and look forward to the other ones you find and bring before us too that update the charter. Aye.

Katz: Aye. [gavel pounded] thank you, gary. All right. Let's get to the regular agenda. 98.

Katz: Roll call.

Francesconi: This is part of the continuing effort to streamline regulations while keeping them strong to protect our neighborhoods. So I appreciate all the work, mayor, that your office has done, and the planning has done in this regard. Aye.

Saltzman: I also wanted to thank the mayor and the planning bureau for bringing these continued packages of changes for us, I particularly like the ones about the awnings, since we hear a lot about that, or we have heard a lot about that, and certainly the bicycle parking too is an important issue that you've tackled successfully, I believe. Aye.

Katz: Let me just seeing someone here in the audience who's concerned about accessory dwellings, did I share with you last week that I would talk to our planning director and have a public presentation of the report that was done, and air that and see where we can go from here. But right now we will adopt this, and then bring that report that was done so well to the council and to the public. Aye. [gavel pounded] 99.

Item 99.

Katz: Roll call.

Francesconi: Aye. **Saltzman:** Aye.

Katz: Mayor votes aye. [gavel pounded] thank you, everybody. Since we have the council out of town or unavailable, we won't have a meeting on wednesday or on thursday, so for everybody, see you next week. We stand adjourn. [gavel pounded]

At 9:53 a.m., Council adjourned.