



City Council Meeting Schedule February 2022

The City broadcasts all City Council meetings on the City's website
<https://www.go2kennewick.com/CouncilMeetingBroadcasts>.

February 1, 2022
Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

February 8, 2022
Tuesday, 6:30 p.m.

WORKSHOP MEETING

1. Facilities Master Plan Update
2. 2022 Parks & Recreation Commission Work Plan Update
3. River of Fire Update
4. Housing/Homeless Legal Perspective

February 15, 2022
Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

February 22, 2022
Tuesday, 6:30 p.m.

WORKSHOP MEETING

1. Entertainment District Partnership Update (A-1 Pearl)
2. Public Facilities Update
3. Benton County Regional Housing & Human Services Partnerships Update

To assure disabled persons the opportunity to participate in or benefit from City services, please provide twenty-four (24) hour advance notice for additional arrangements to reasonably accommodate special needs.

Please be advised that all Kennewick City Council Meetings are Audio and Video Taped

February 2022
Updated 01/25/22

Council Workshop Coversheet



Agenda Item Number	1.	Meeting Date	02/08/2022
Agenda Item Type	Presentation		
Subject	Facilities Master Plan Update		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	Parks & Recreation		

Info Only	☒
Policy Review	☐
Policy DevMnt	☐
Other	☐

Summary

Representatives of the architectural firm TCA will update progress made since the City's last major facilities assessment in 2014, and provide recommendations based on current and future operating needs. The assessment update focuses on the Civic Campus, including the aging City Hall and best use of the vacated Fire Station #1 (after the replacement station is constructed); 10th Ave Purchasing/Fleet shop site consolidation; and Frost Municipal Services building.

Through

Dept Head Approval

City Mgr Approval

Emily Estes-Cross
Feb 02, 08:16:52 GMT-0800 2022

Marie Mosley
Feb 04, 06:26:43 GMT-0800 2022

Attachments: Presentation

CITY OF KENNEWICK

FACILITIES ASSESSMENT AND MASTER PLAN-UPDATE

2.8.22



Agenda

- History
- Purpose & Scope of Update
- Process
- Recommendations
- Costs
- Moving Forward!



Team

Update & 2014

- City of Kennewick
- TCA Architecture Planning
- Roen Associates Estimating

2014

- Harms Civil
- CPL Structural
- Interface MEP

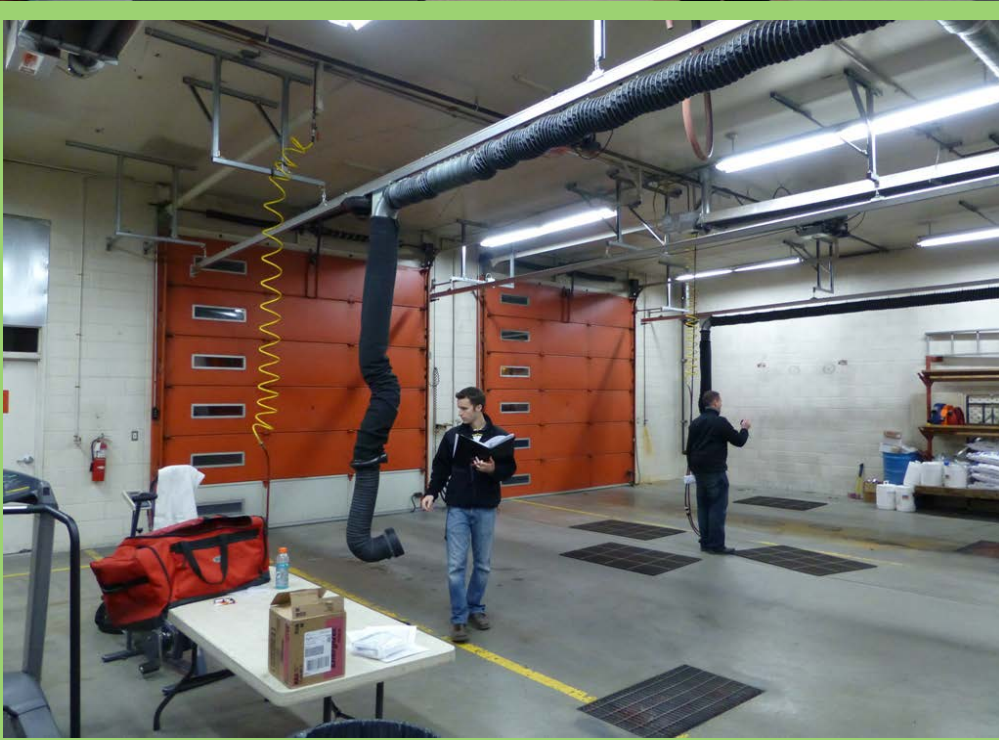


History

2013-14

17 Facilities and 3 Campuses
Total Building Area 286,937 SF
Tier 1 (7) & Tier 2 (10) Investigations

Objective: Assess existing conditions, study improvement options, costs, and provide recommendations based on the City's vision and goals.



FACILITIES

City Hall & Civic Campus

Frost Muni. Services Campus

East 10th Shop Campus

Water Filter Plant

WasteWater Treatment Plant

Fire Station 61

Fire Station 62

Fire Station 63

Fire Station 64

~~Old Kennewick School Dist. Bldg~~

Public Safety Building

~~Old Police Station~~

Kennewick Activity Center

~~Senior Center~~

~~Parks & Rec Annex~~

~~Dayton St. Building~~

City Hall Annex

KSM Pool

Purpose & Scope

- Capture Change
- Revisit Needs
- Reset Priorities
- Update Costs

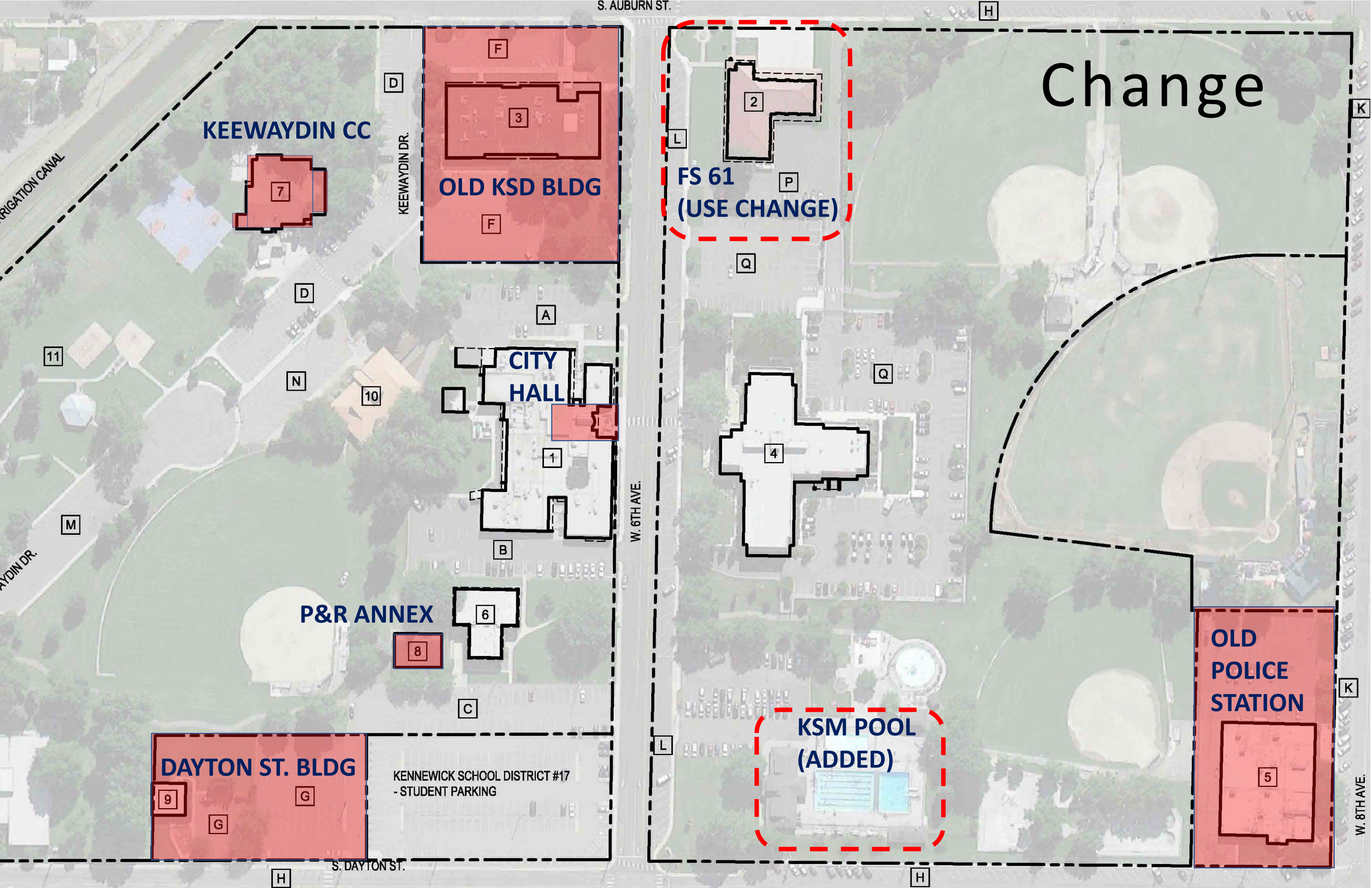


- h. Progress made with digitizing paper
- i. Lighting has been upgraded added.
- i. WIFI has been improved.
- j. Video conferencing improvements
- 3. One-Stop/Entry Area Needs:
 - a. Secured entry -Entry door to remain customer access to One-Stop. (As urgent priority. Funding and work Facilities Assessment Update).
- 4. IT/GIS Needs:
 - a. Storage and Test Lab.
 - b. Breakroom.
 - c. Server Issues:
 - i. \$1 million invested in new
 - ii. No fire suppression system
 - iii. Water exposure risk from
 - d. Immediate need for 3 additional IT
 - e. Space needed for 4 technicians and
 - i. Technicians – need workst
 - ii. Analysts – need offices.
 - f. Separating GIS from contiguous de space studied in 2014.
 - g. Some GIS is at Frost -ideally team v
 - h. GIS and IT still need meeting space
 - i. GIS layout space is no longer a nee
 - j. IT Manager's current office works
 - k. Printer areas not needed -more wo
 - l. Atrium expansion would provide n
 - m. Need better access to data cabling
- 5. Finance Needs:

Process

To Date

- Kickoff with Emily's Team
- User Input (8 interviews)
- Documentation of Change & Revised Needs
- Concept Development & Review
- Recommendation Development
- Establishment of Timelines
- Cost Estimating
- Priority Development
- Review with Council



KEEWAYDIN CC

7

OLD KSD BLDG

F

3

F

CITY
HALL

1

P&R ANNEX

8

6

DAYTON ST. BLDG

9

G

G

KENNEWICK SCHOOL DISTRICT #17
- STUDENT PARKING

FS 61
(USE CHANGE)

2

P

4

KSM POOL
(ADDED)

OLD
POLICE
STATION

5

Change

IRRIGATION CANAL

DAYDIN DR.

KEEWAYDIN DR.

W. 6TH AVE.

S. DAYTON ST.

S. AUBURN ST.

H

K

W. 8TH AVE.

11

10

M

N

D

D

A

B

C

L

Q

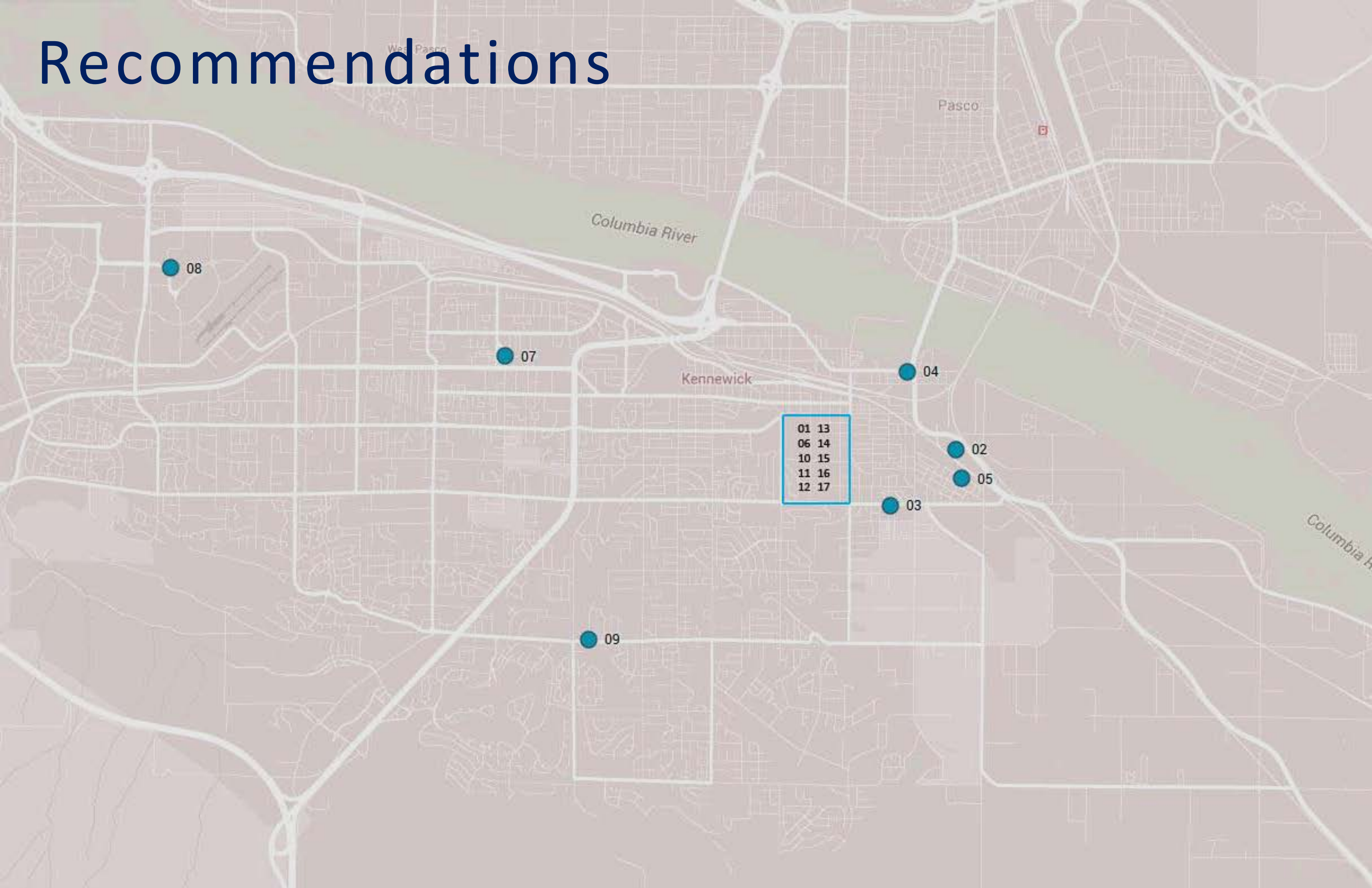
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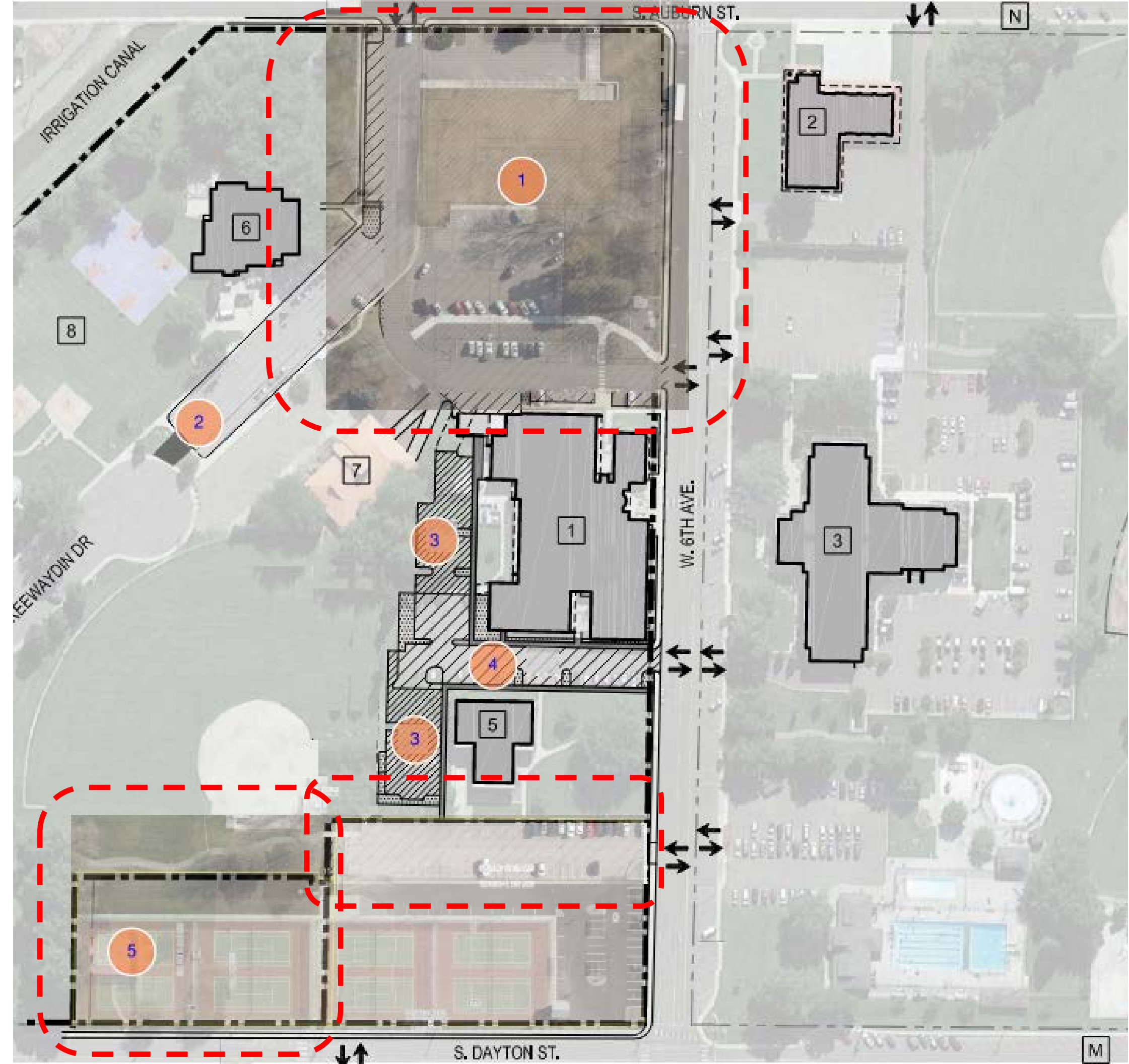
Recommendations



00 Civic Campus

Parking Improvements
provided east of City
Hall

00A completes parking
improvements –Adds
56 spaces.

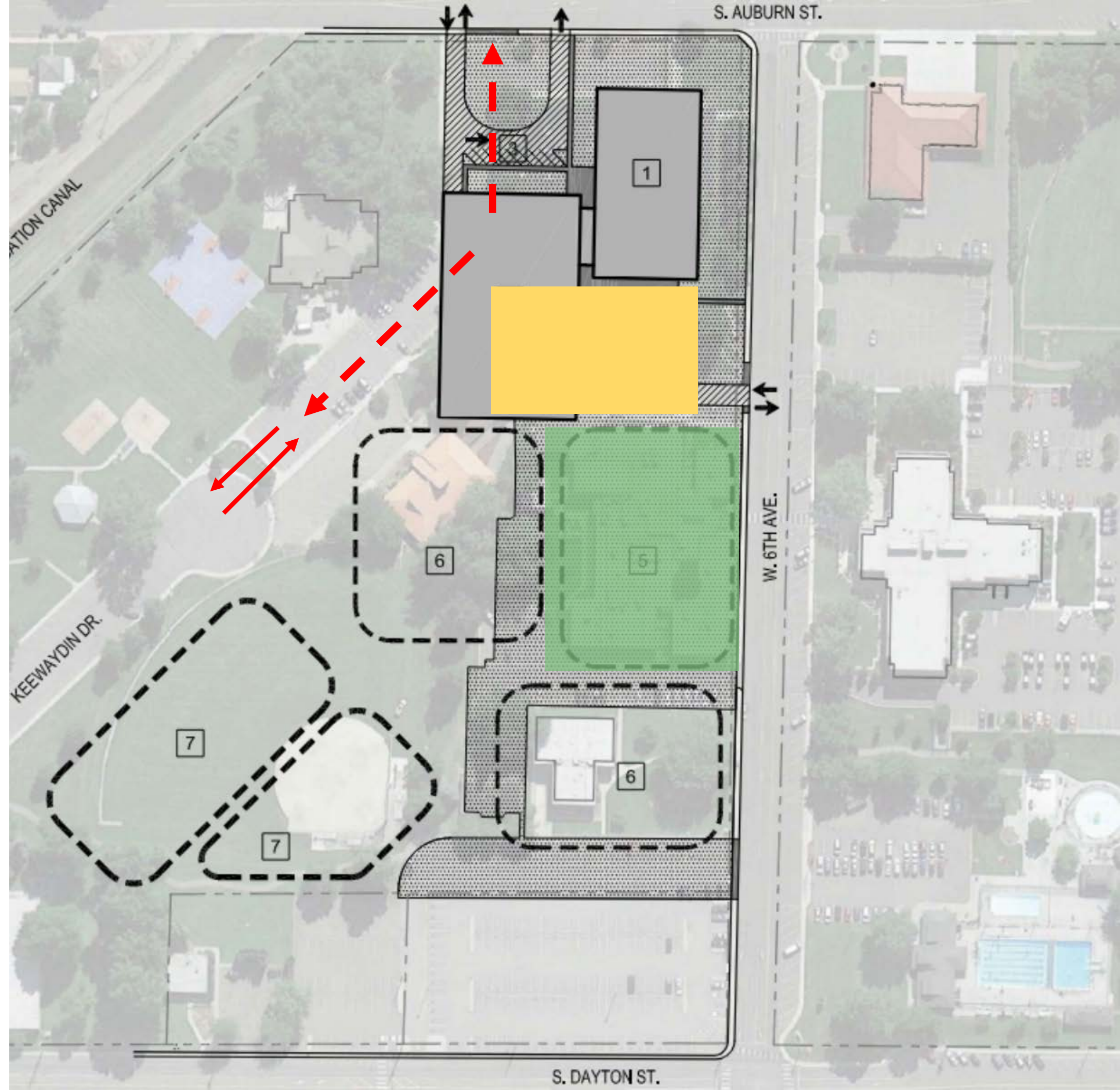


00 Civic Campus

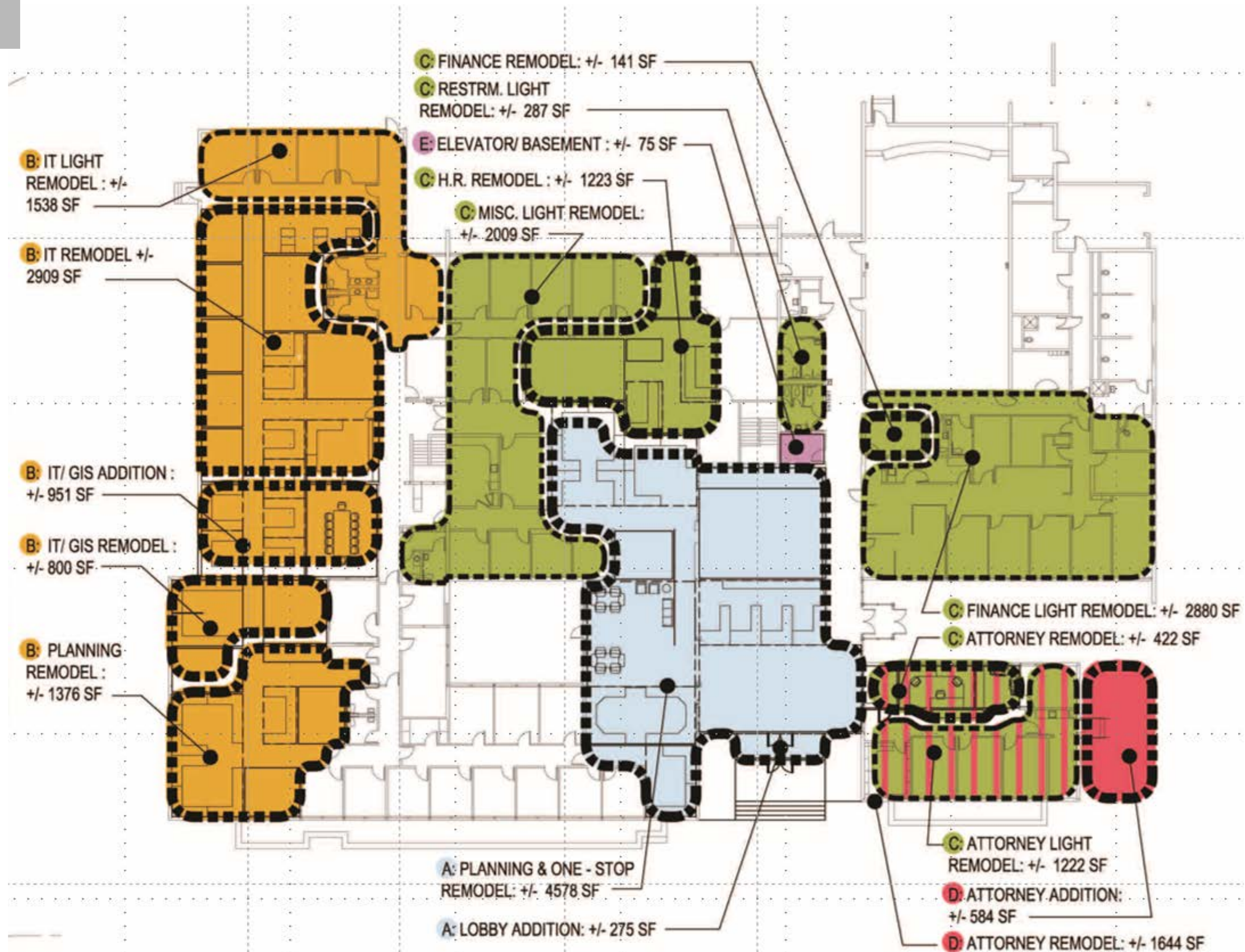
00B & 01H

Key Notes

- [1] City Hall (2) Stories 44,000 SF
- [2] Parking (3) Stories 428 spaces
- [3] Surface Parking
- [4] Dropoff Area
- [5] Campus Square
- [6] Site for Civic Building
- [7] Future Growth



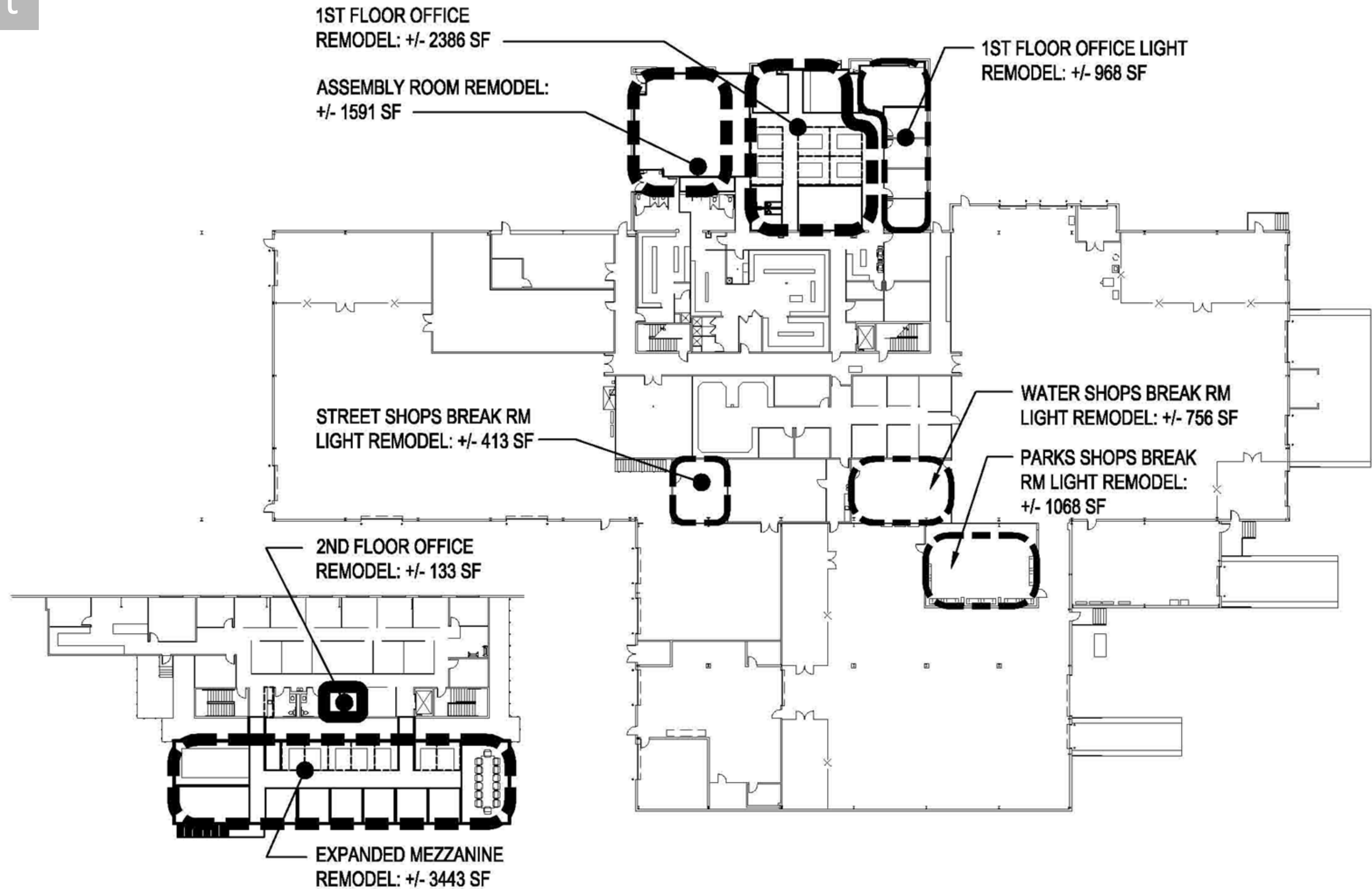
01 City Hall



01 City Hall

- 01A-1 Customer Service
- 01A-2 Entry Renovation
- 01B IT Remodel
- 01C Attorney, Finance, HR & Other
- 01F Reroof & HVAC



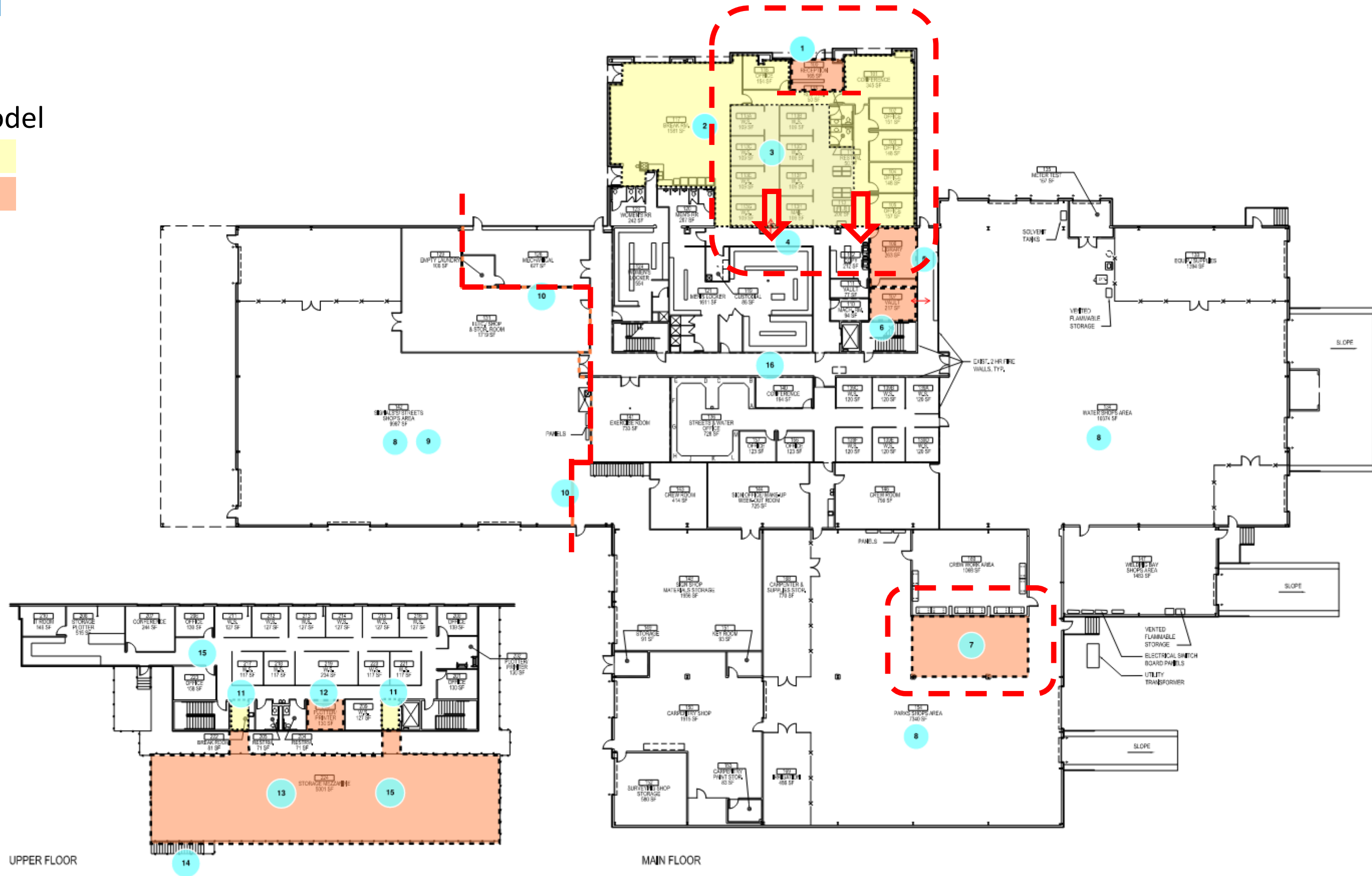


02 Frost

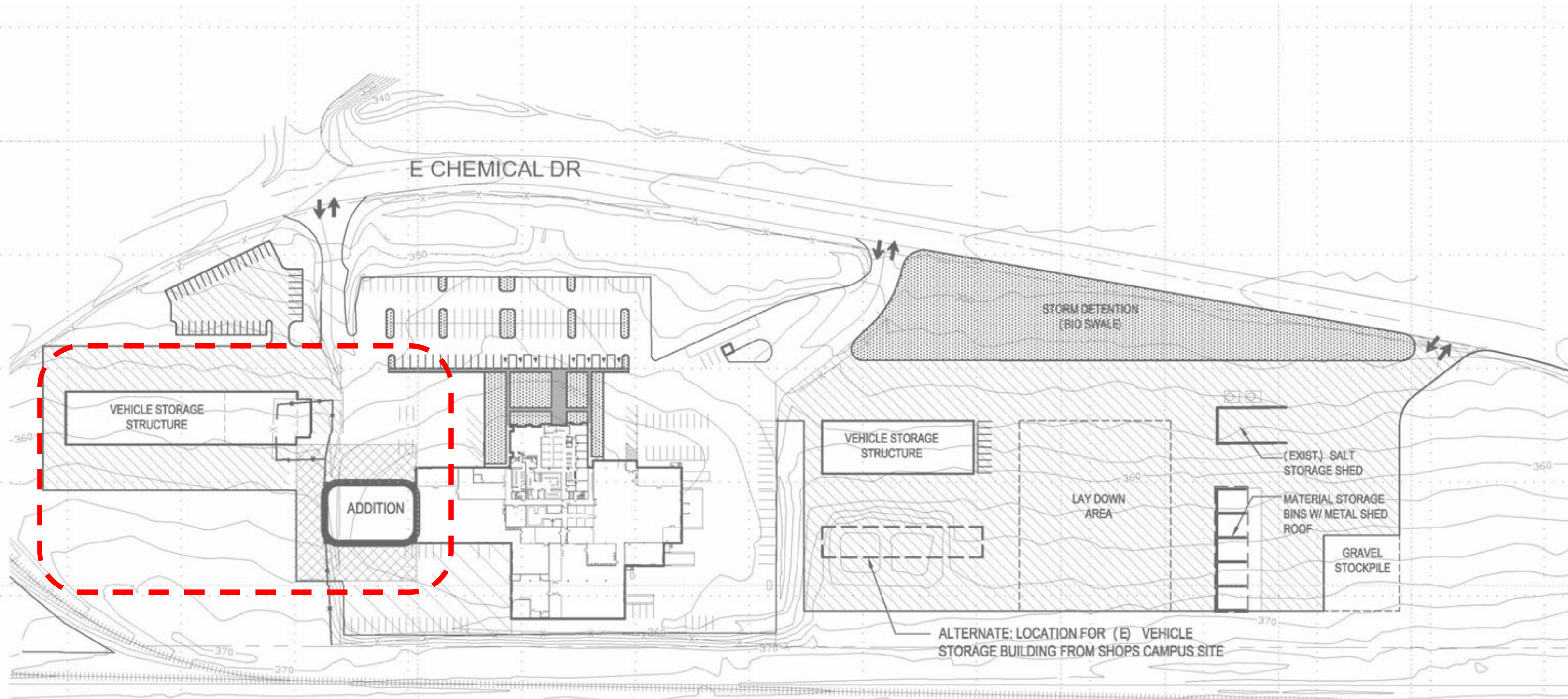
02A Frost Remodel

Light Remodel

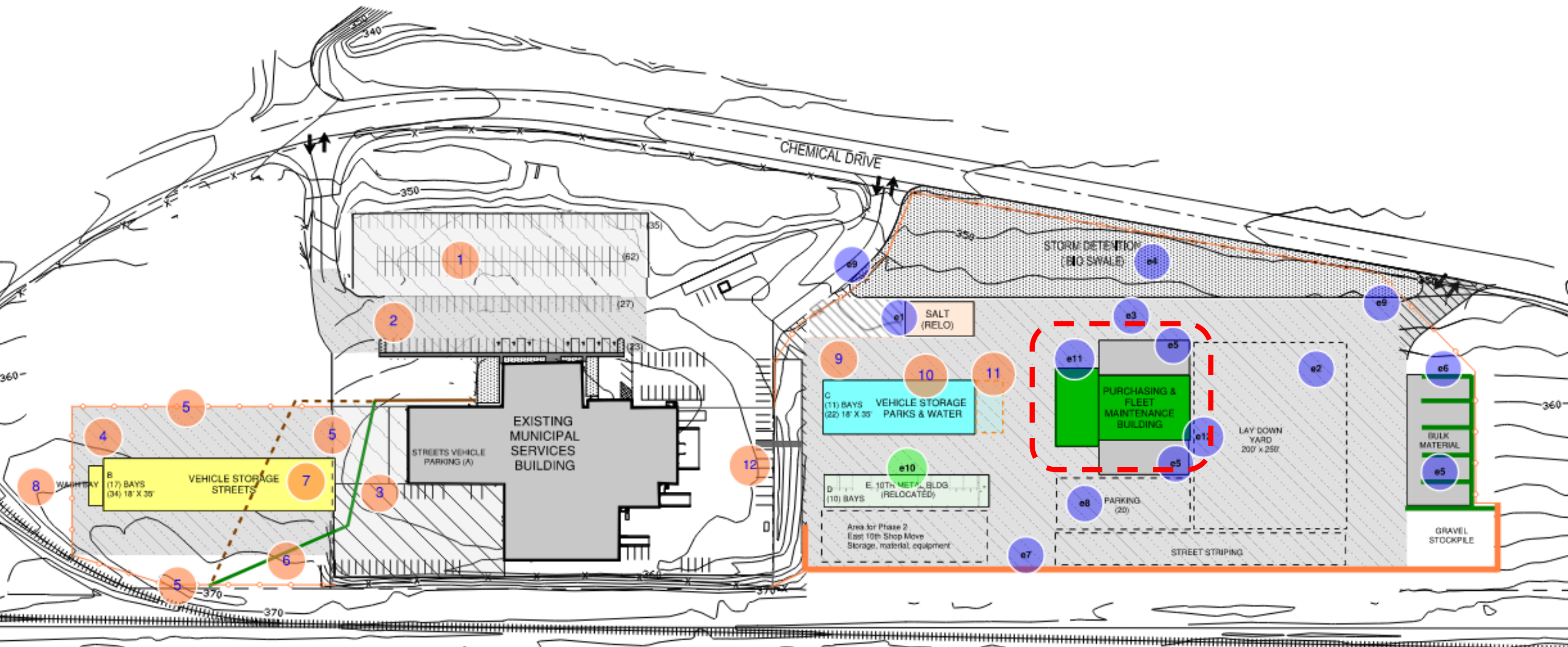
Heavy Remodel

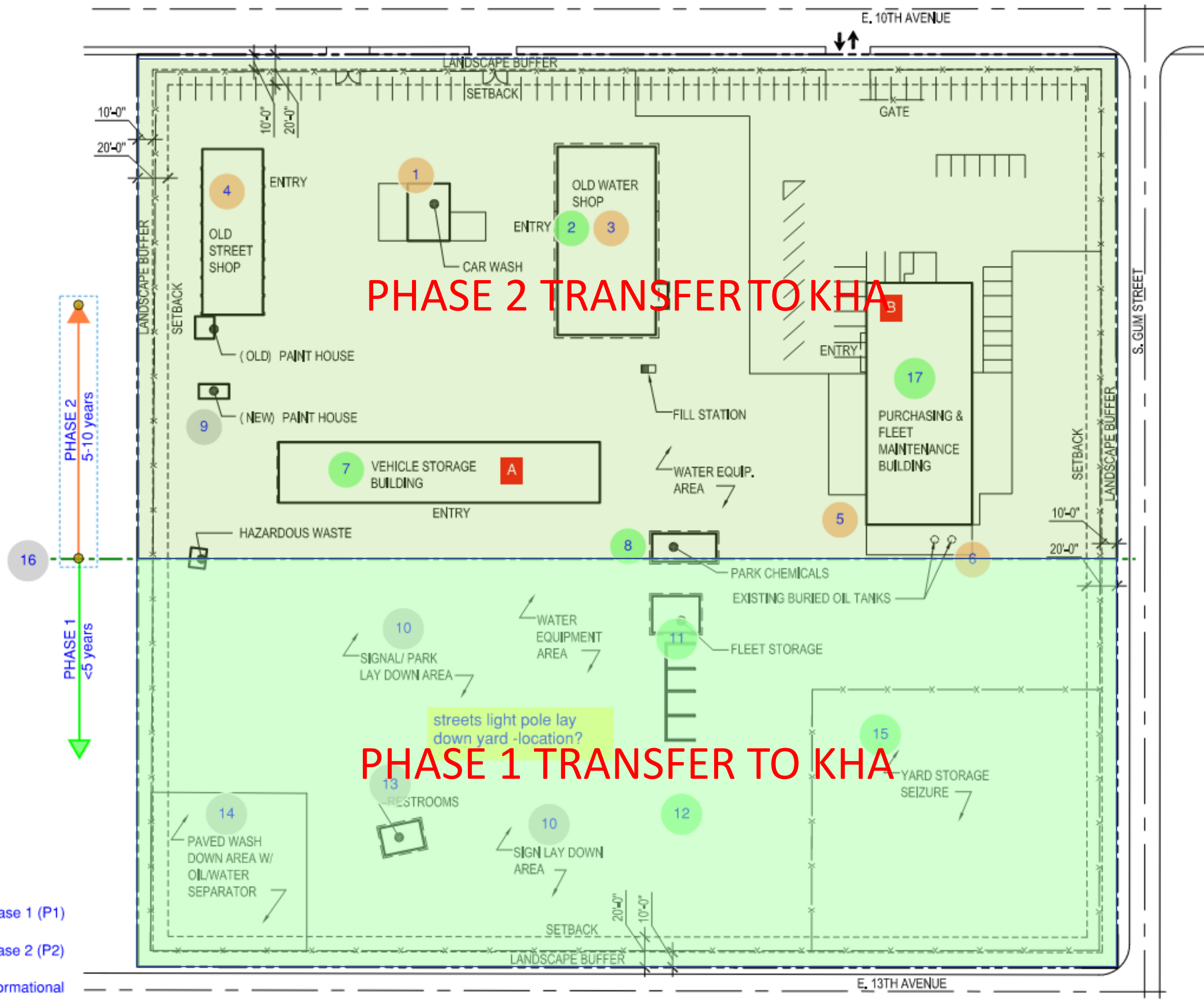


02 & 03 Frost Campus



02 & 03 Frost Campus





06 FS 61 Reuse

06B Public Safety

06C Gym

Recommended:

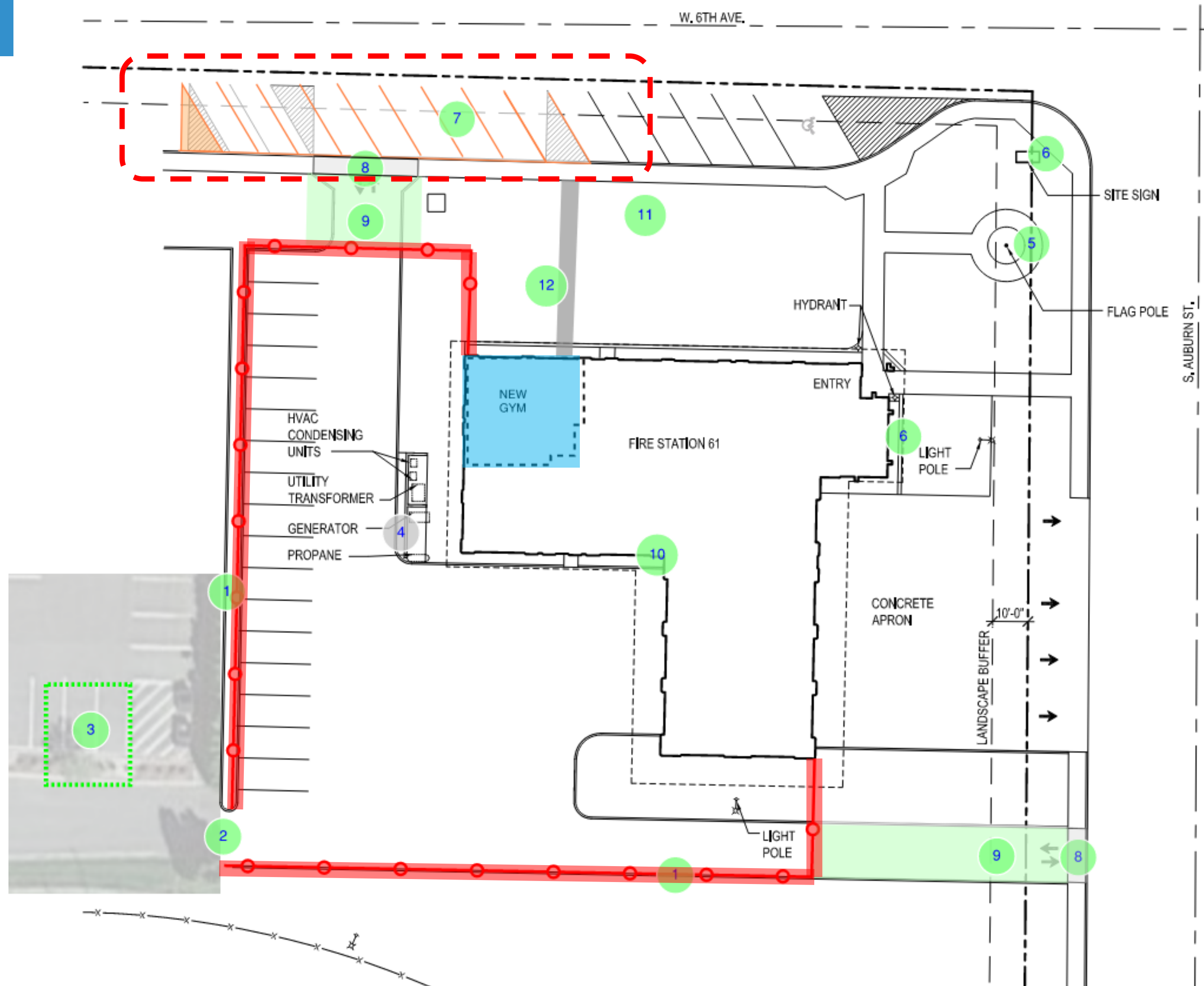
Available w/ New FS 61
Need Police & Fire Training
Proximity to Police
Reduced Maint. Costs

City Hall Annex slated for
Demo. -displaces
existing gym.

Scope:

E. 10th Police Vehicles
Short Term Seized Vehicles
PD & FD Tactical Training

New Gym for City Staff

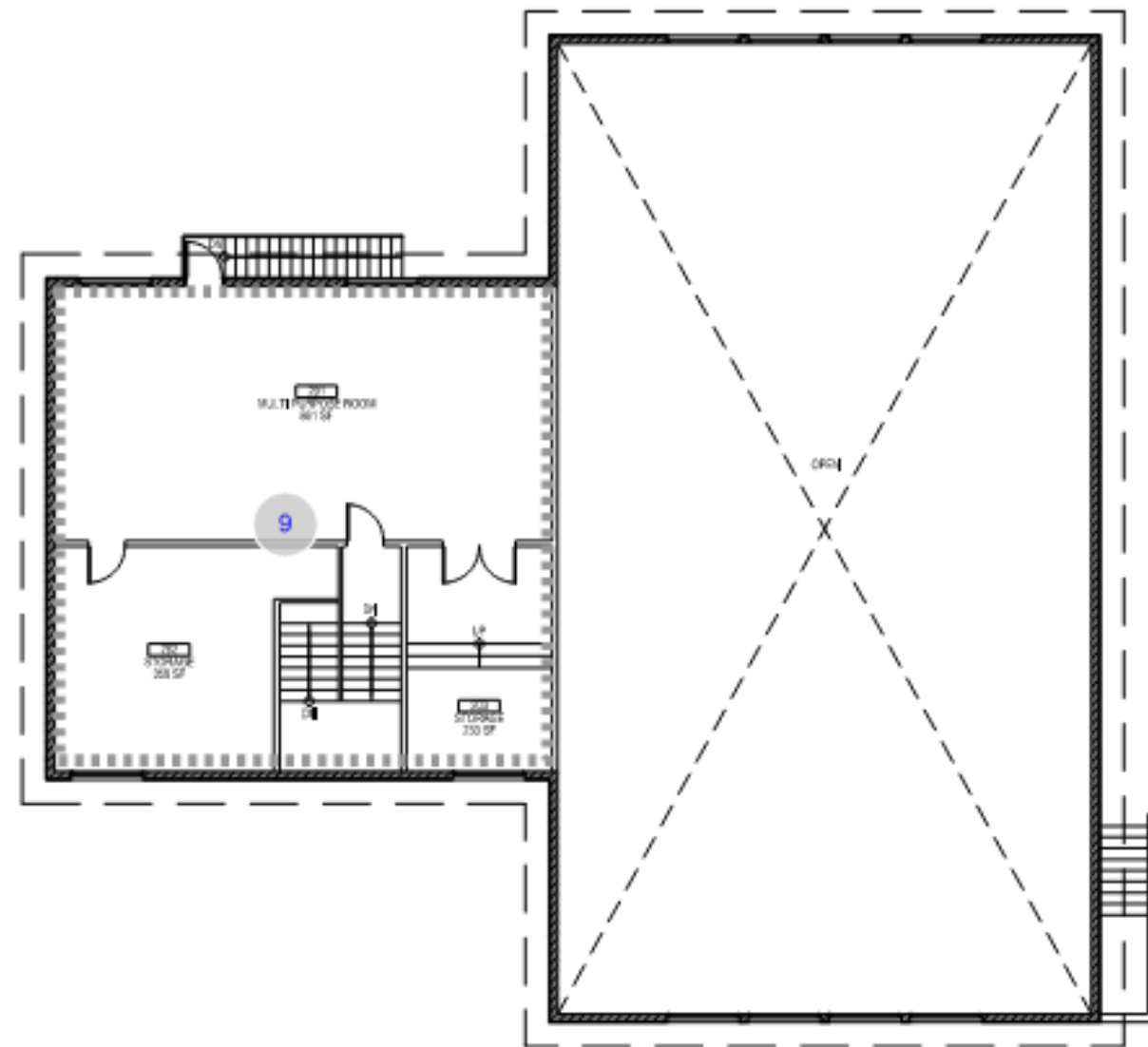


13 Kennewick Activity

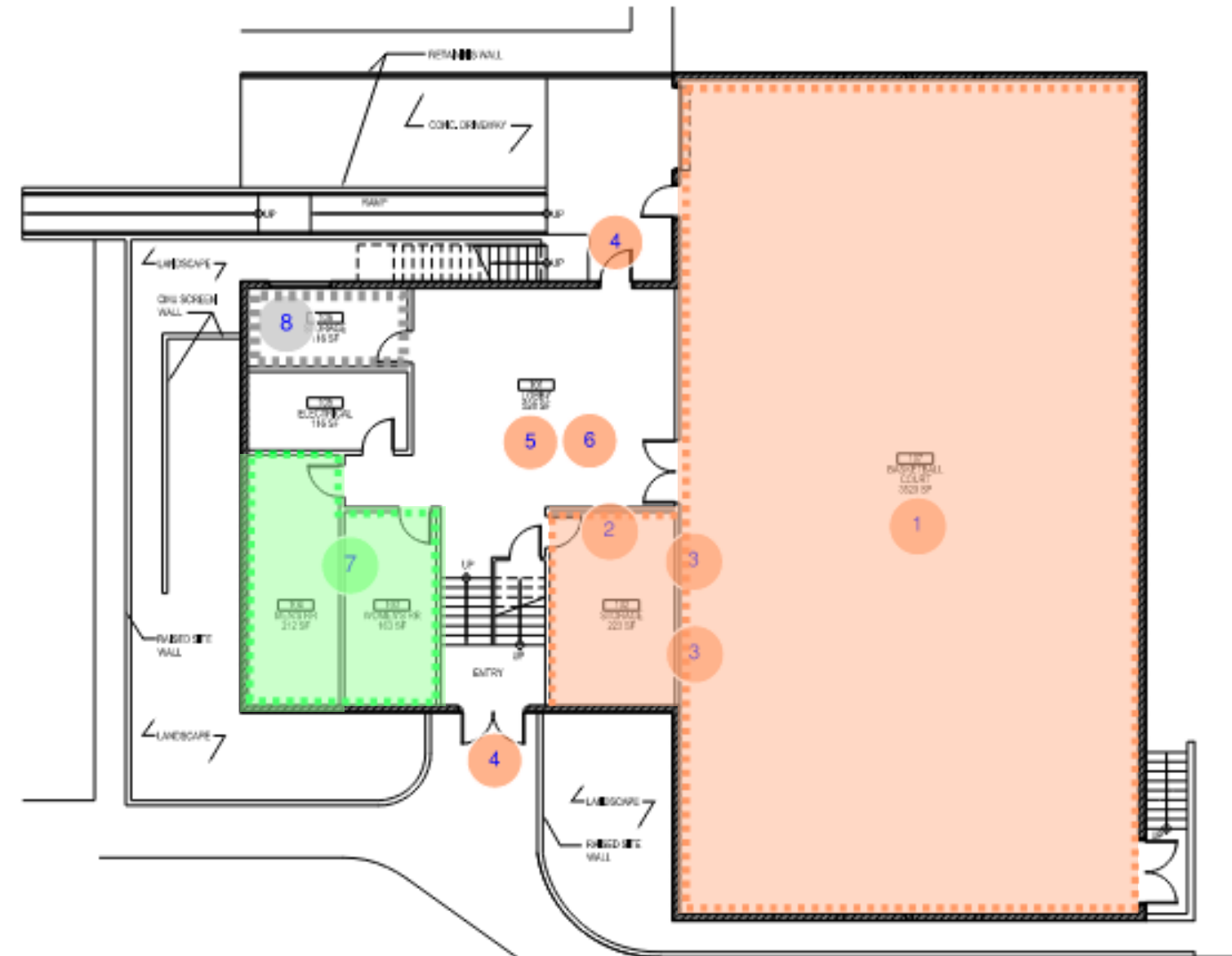
13A 2nd Floor

13B Gym

13C RR Remo.



UPPER FLOOR



MAIN FLOOR

18 KSM Pool

Recommended:

- Heavily Used
- Recent Investments
- Current Investments
- Reduced Maint. Costs

Scope:

- Pool Liners
- Floor & Deck Coatings
- Shade Structure
- ADA Upgrades
- New HVAC



Costs

Total Scheduled Cost = (Hard + Soft) x escalation

Project Name: Kennewick Facilities Assessment Study Pricing

Project Location: Kennewick, WA

Bid Date: TBD

Soft Cost Breakdown Sheet

Description	New	Remodel/Additions	Small Remodel	Sitework/Removals
A/E Basic Services	10.00%	12.00%	12.00%	5.00%
Owner Consultants (Civil, Survey, Geotech, LA, etc.)	5.00%	3.00%	3.00%	3.00%
Commissioning	1.00%	1.50%	1.50%	0.00%
Fixtures, Furnishings and Equipment	3.50%	3.00%	3.00%	0.00%
Utility Fees	1.00%	0.50%	0.50%	0.25%
Permit	1.50%	1.50%	1.50%	1.50%
Misc. Costs (Bidding, Printing, Travel, etc.)	1.50%	1.50%	1.50%	1.00%
Change Orders	7.00%	8.00%	8.00%	7.50%
Project Contingency	4.00%	5.00%	5.00%	4.00%
Project Management	2.50%	2.50%	2.50%	1.50%
State Sales Tax	8.30%	8.30%	8.30%	8.30%
	45.30%	46.80%	46.80%	32.05%

Costs

2.8.22 Draft Summary of Costs

Project				Estimated Probable Cost/Credit					Timeline (date to commence project in years)		Recommended	Timeline (date to commence project in years)		
No.	Facility	Description	Size (GSF)	Construction Cost (2014 Dollars)	Cost per GSF	Soft Costs	Total Project Cost (2014 Dollars)	Total Project Cost (2021 Dollars)	Yrs to Bid	Total Cost w/ Escalation (Bid Date)		< 5 years	≥5 <10 years	≥10
00A	Civic Campus	Parking/Green Space	32,158	\$228,339	\$7.10	\$74,733	\$303,072	\$391,373	4	\$494,100	Y	\$494,100		
00B	Civic Campus	Parking Structure/Campus Square	153,000	\$19,678,051	\$128.61	\$6,440,456	\$26,118,507	\$33,728,212	19	\$61,891,463	Y			\$61,891,463
01A-1	City Hall	Remodel	200	\$10,529	\$52.65	\$5,032	\$15,562	\$20,642	4	\$26,060	Y	\$26,060		
01A-2	City Hall	Remodel/Add Entry	4,853	\$236,964	\$48.83	\$113,249	\$350,214	\$464,546	5	\$621,668	Y	\$621,668		
01B	City Hall	Remodel/Add IT/Planning	5,450	\$987,239	\$181.14	\$471,818	\$1,459,058	\$1,929,447	3	\$2,298,003	Y	\$2,298,003		
01C	City Hall	Remodel C. Atty, Fin., & Misc.	8,160	\$643,188	\$78.82	\$307,391	\$950,579	\$1,227,105	8	\$1,955,818	Y		\$1,955,818	
01F	City Hall	Re-roof/Add HVAC	29,855	\$1,992,047	\$66.72	\$274,625	\$2,266,672	\$3,007,597	4	\$3,797,022	Y	\$3,797,022		
01H	City Hall	Facility Replacement	44,000	\$17,373,510	\$394.85	\$8,036,969	\$25,410,479	\$32,803,505	19	\$60,194,620	Y			\$60,194,620
02A	Dan Frost Campus	Remodel/Finish Mezzanine	10,758	\$1,084,530	\$100.81	\$518,315	\$1,602,844	\$2,126,118	3	\$2,532,240	Y	\$2,532,240		
02B	Dan Frost Campus	Campus Development	35,420	\$5,710,693	\$161.23	\$2,641,761	\$8,352,454	\$10,997,656	4	\$13,884,288	Y	\$13,884,288		
03B-1	East 10th Shop Campus	Move to Frost Campus (Phase 1)	21,166	\$487,419	\$23.03	\$232,946	\$720,365	\$948,122	3	\$1,129,229	Y	\$1,129,229		
03B-2	East 10th Shop Campus	Move to Frost Campus (Phase 2)	21,166	\$12,032,389	\$568.48	\$5,750,482	\$17,782,871	\$23,414,190	6	\$33,213,476	Y		\$33,213,476	
03C	East 10th Shop Campus	Transfer to KHA					N/A				Y	Completed		
04B	Water Filter Plant	Remodel	2,514	\$684,909	\$272.44	\$327,329	\$1,012,238	\$1,325,458	4	\$1,673,360	Y	\$1,673,360		
05A	Waste Water Plant	Remodel/Add/Site Improvements	3,706	\$1,427,719	\$385.25	\$682,331	\$2,110,049	\$2,744,762	4	\$3,465,198	Y	\$3,465,198		
06A	Fire Station 61	Remodel/Addition					N/A				Y	New Fire Station at New Site		
06B	Fire Station 61	Remodel/Addition	5,042	\$341,797	\$67.79	\$163,351	\$505,148	\$675,013	3	\$803,951	Y	\$803,951		
06C	Fire Station 61	Gym Remodel	925	\$90,178	\$97.49	\$43,097	\$133,275	\$183,250	3	\$218,254	Y	\$218,254		
07A	Fire Station 62	Remodel	7,828	\$1,161,546	\$148.38	\$555,122	\$1,716,668	\$2,495,633	9	\$2,972,339	Y		\$2,972,339	
09A	Fire Station 64	Remodel/Add	3,481	\$972,736	\$279.44	\$464,887	\$1,437,622	\$1,855,830	1	\$1,967,180	Y	\$1,967,180		
09B	Fire Station 64	Facility Replacement	13,000	\$5,760,024	\$443.08	\$2,664,582	\$8,424,606	\$11,031,729	8	\$17,582,900	Y		\$17,582,900	
10A	Old Kennewick School	Demo/Site Improvements	19,857	\$194,968	\$9.82	\$62,487	\$257,455	N/A		N/A	Y	Completed		
11A	Public Safety Building	Remodel	2,600	\$254,417	\$97.85	\$121,590	\$376,007	\$485,388	5	\$649,558	Y	\$649,558		
12A	Old Police Station	Sell					N/A				Y	Completed		
13A	Kennewick Activity Center	Remodel	7,995	\$539,895	\$67.53	\$258,025	\$797,920	\$1,030,037	1	\$1,093,083	Y	\$1,093,083		
13B	Kennewick Activity Center	Remodel	4,375	\$245,547	\$56.12	\$117,351	\$362,898	\$468,465	3	\$497,139	Y	\$497,139		
13C	Kennewick Activity Center	Remodel	375	\$49,416	\$131.78	\$23,617	\$73,032	\$98,087	9	\$139,138	Y		\$139,138	
14A	Senior Center	Remodel					N/A				Y	Completed		
15A	Parks and Rec Annex	Demolition/Site Improvements	2,520	\$58,065	\$23.04	\$18,610	\$76,675	N/A		N/A	Y	Completed		
16A	Senior Center	Sell					N/A				Y	Completed		
17A	City Hall Annex	Demolition/Site Improvements	840	\$25,877	\$30.81	\$8,469	\$34,347	\$45,565	3	\$54,269	Y	\$54,269		
FSA	Fire Station 65	New Fire Station	11,000	\$3,418,765	\$310.80	\$1,521,351	\$4,940,116	N/A		N/A	Y	Completed		
FSB	Fire Station 66	New Fire Station	11,000	\$3,339,578	\$303.60	\$1,544,886	\$4,884,464	\$6,396,036	7	\$9,617,273	Y		\$9,617,273	
18A	KSM Pool	Remodel	4,460	\$623,393	\$139.77	\$297,930	\$921,323	\$1,189,338	3	\$1,416,521	Y	\$1,416,521		

Priority Code

High
Medium
Low

Moving Forward!

- Today's Discussion
- Confirmation of Priorities
- Draft Document & Review
- Final Document
- Re-implementation



Council Workshop Coversheet



Agenda Item Number	2.	Meeting Date	02/08/2022
Agenda Item Type	Boards and Commissions		
Subject	Parks & Recreation Commission Work Plan		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	Parks & Recreation		

Info Only	☒
Policy Review	☐
Policy DevMnt	☐
Other	☐

Summary

Accompanied by Commission Chair Ken Hahn, staff liaison and Parks, Recreation, and Facilities Director Emily Estes-Cross will provide an overview of the Parks and Recreation Commission's 2022 Work Plan, in alignment with Council's priority areas and the 2019-2024 Parks and Recreation Comprehensive Plan.

Commission responsibilities include providing citizen input; advising and making recommendations to the City Council for the management, control, improvements and beautification of City parkland; periodically reviewing if the land being used for park purposes is adequate and recommendations to the City Council when additional land should be acquired to maintain level of service; and assessing recreational programs, activities, and facilities to meet the needs of the community.

Through

Dept Head Approval

City Mgr Approval

Emily Estes-Cross
Feb 02, 13:43:00 GMT-0800 2022

Marie Mosley
Feb 04, 06:30:29 GMT-0800 2022

Attachments: Presentation

***Parks & Recreation
Commission
2022 Work Plan***

***Council Workshop
February 8, 2022***



KENNEW!CK
WASHINGTON
Parks & Recreation

Parks & Recreation Commission

- 4- year terms
 - Ken Hahn, Chair
 - Linda Stroben, Vice Chair
 - Dean Aeling
 - Jack Anderson
 - Ty Fischer
 - Robb Heston
- Council Liaisons
 - Loren Anderson
 - Brad Beauchamp (Alternate)



Commission Responsibilities

- Citizen input
- Recommendations on City parkland management, control, improvements and beautification
- Level of Service (LOS) review
- Recreational programming and facilities assessment



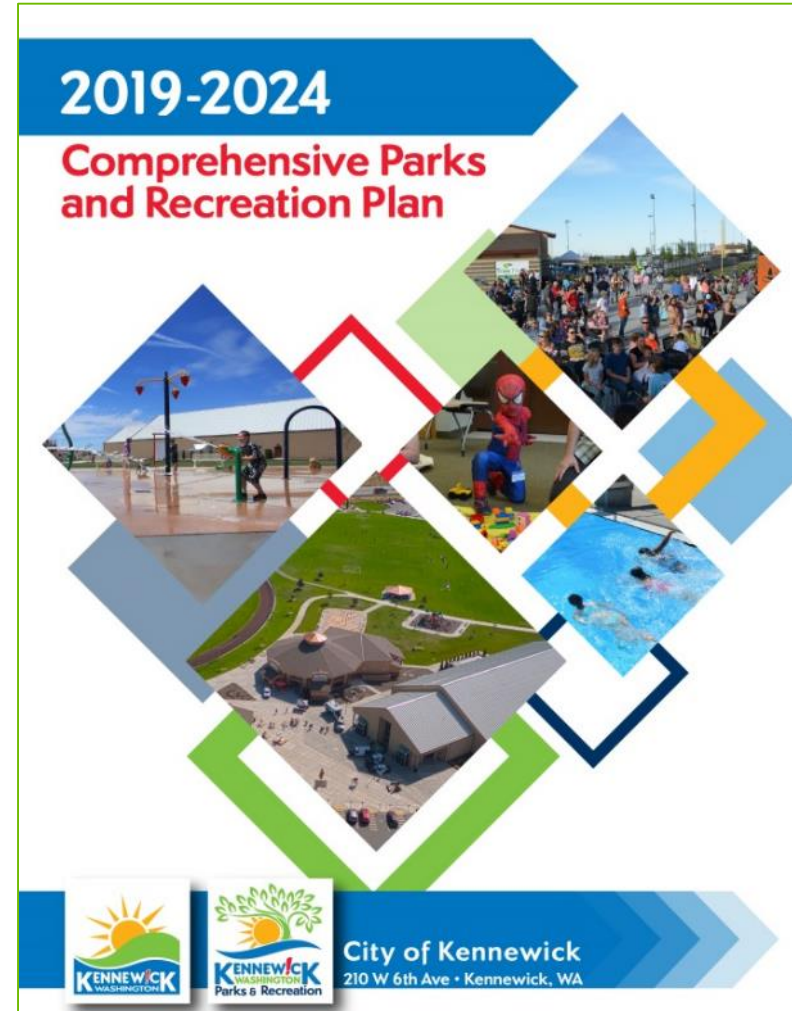
Strategy Drivers

- Council Priorities
- Funding Sources
 - Program Revenue
 - Capital Improvement Program
 - Park Impact Fees
 - General Fund
 - Sponsorships
 - Grants
 - Partnerships
- Comprehensive Plan



Comprehensive Plan

- Updated every 6 years
- Community input
- Expanded framework for growth
 - Columbia Park Master Plan Vision
 - Impact fees replace mitigation fees
 - 3 acres per 1,000 resident LOS now specifies resident proximity of a half-mile to a park, school or community facility
- Goals for sustainable funding



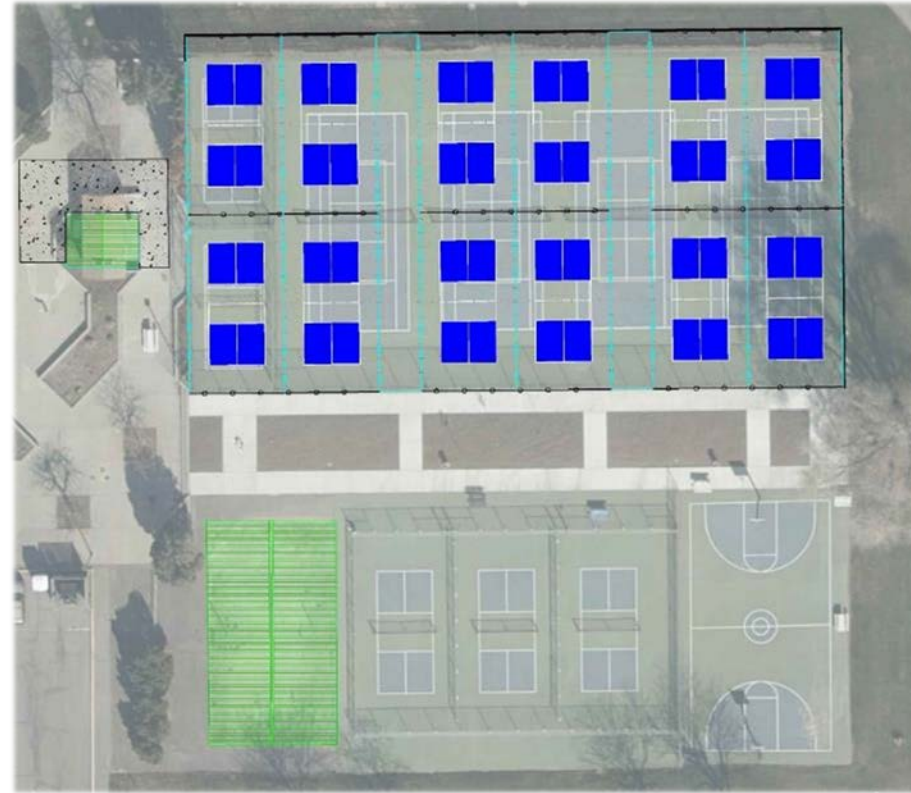
2022 Work Plan

1. Lawrence Scott Pickleball complex expansion/enhancement
2. Motorized personal transportation park use guidelines
3. Park use and funding assessments
4. Park Mitigation and Impact Fee funded projects
5. Columbia Park enhancement strategy
6. Canal Drive tree replacement strategy
7. Dog Park exploration
8. Ongoing responsibilities
 - Community engagement
 - Ongoing public art facilitation (park murals; roundabouts; solar markers).
 - Park compliance audits



Pickleball Complex

- Public engagement
 - Tournament-ready 15 court pickleball complex
 - Restroom replacement
 - Shelter
- Equitable use
- Funding sources



Motorized Personal Transport

- Recommend rules for the operation of personally owned/operated electric scooters, bikes, skateboard, etc. in parks.
 - Path/trail locations and designations (paved, soft-surface)
 - Speed limits
- Community education



Park Assessments

- Inform neighbors of the park's status
- Assess park use and homeowner interest
- Council recommendation
 - Public input
 - Comprehensive Plan goals
 - Sustainable funding



Mitigation/Impact Fee Projects

- ☒ Southridge shade structure
- ☒ Desert Hills Challenge Course
- ☒ Grange Splash Park
- ☒ Cascade Linear Park
- ☒ Happy Human functional art
- ☒ Musical instruments
- ☐ Park wayfinding/signage
- ☐ Lighting/security enhancements



Shoreline Stabilization and Access Enhancement

Phase 1 Complete 2021

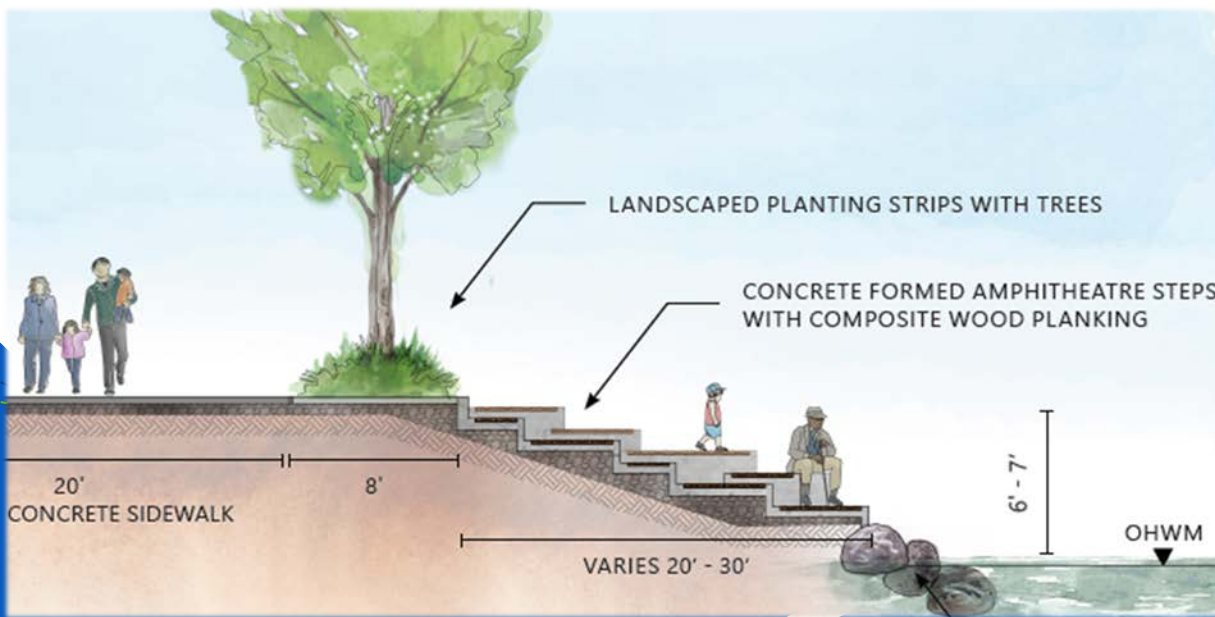
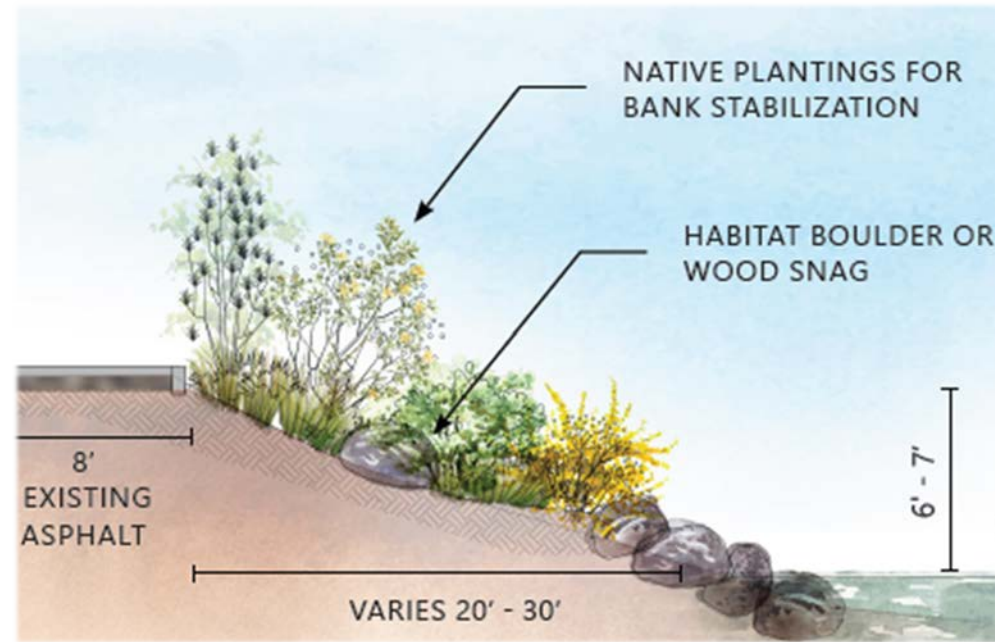
- 500' in pit area
- \$136,000 construction



Shoreline Stabilization and Access Enhancement

Concept Recommendation

- River access
- Phasing
 - River access
 - Phasing



Canal Dr. Tree Replacement

Concept Recommendation

- Sustainability
- Responsible government
- Public input



Dog Park Exploration

- Location
- Sustainable maintenance & operation
- Funding source(s)
- Public engagement



Year-Round Fun

- Community engagement
- Park compliance audits
- Public art park and greenway facilitation
- Conveyance support
- Sustainability



Questions



Council Workshop Coversheet



Agenda Item Number	3.	Meeting Date	02/08/2022
Agenda Item Type	Presentation		
Subject	River of Fire Update		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	Parks & Recreation		

Info Only	☒
Policy Review	☐
Policy DevMnt	☐
Other	☐

Summary

Staff will provide an event management update and overview of the 2022 plans for the July 4th community fireworks show in Columbia Park.

Through

Dept Head Approval

City Mgr Approval

Emily Estes-Cross
Feb 02, 08:13:44 GMT-0800 2022

Marie Mosley
Feb 04, 06:32:19 GMT-0800 2022

Attachments: Presentation



RIVER

OF FIRE UPDATE

*Council Workshop
February 8, 2022*



Background

Columbia Park event provides the community with a fireworks show intended to reduce violations of the city fireworks code.

- Event management has passed from non-profit to non-profit.
 - Regional Chamber through 2017, Water Follies 2018-2019, Carousel Foundation 2021.
 - Not a viable fundraiser.
 - Event staffing on a national holiday has been a challenge.
- The barge used to launch the fireworks from the river was decommissioned after the 2017 show. Fireworks launched from the shoreline in 2018, 2019, and 2021.
 - Park road closures shut down the Golf Tri-Plex and Bite at the Landing operations.
 - Fireworks “exclusion zone” limits viewing and parking areas.



2022 Event Management

- City of Kennewick and VenuWorks partnership
- Title sponsor
- Fireworks over the RIVER!
 - 15-18 minute show
 - Launched from barge
- Food, activities, and entertainment
- Parking by donation
- Promotion



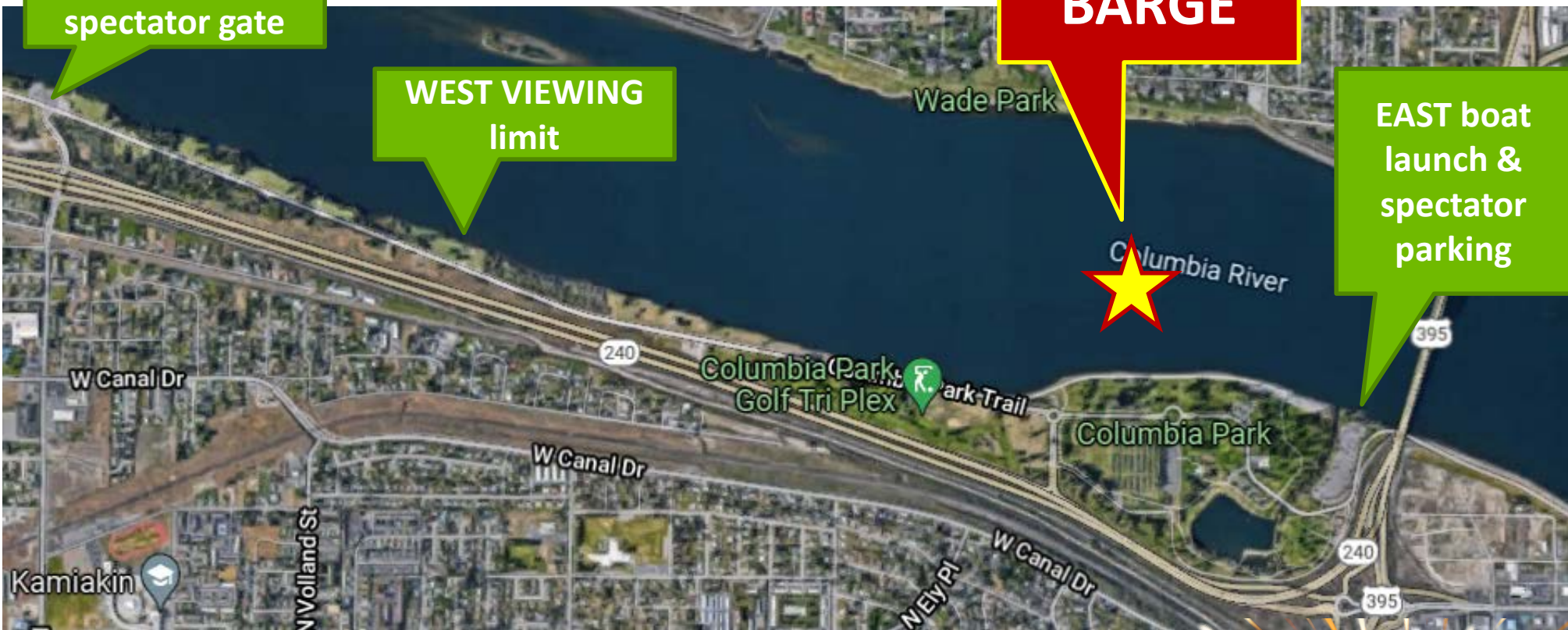
Expanded Viewing

EDISON boat &
spectator gate

WEST VIEWING
limit

BARGE

EAST boat
launch &
spectator
parking



East Site Plan



West Viewing



Spectator Donation Encouraged



Summary

- Experienced, professional event management team
- Back on the River!
- Fewer road closures and less impact to daily park users
- Exciting new attractions

Questions?



Council Workshop Coversheet



Agenda Item Number	4.	Meeting Date	02/08/2022
Agenda Item Type	Presentation		
Subject	Homeless Legal Perspective		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	City Attorney		

Info Only	☐
Policy Review	☐
Policy DevMnt	☐
Other	☒

Summary

The homeless legal perspective presentation will provide council current information regarding the City's ability to address this important public health and safety issue. Recent case law from the Ninth Circuit, the Washington State Supreme Court as well as legislation passed in 2020 and 2021 have all impacted local authority. Enforcement of City codes can resolve some of the immediate issues but will not resolve the underlying causes, the City will need to work with its local agency partners moving forward if we want to find a solution.

Through

Kristi Johnson
Feb 02, 13:13:53 GMT-0800 2022

Attachments: Presentation

Dept Head Approval

Lisa Beaton
Feb 02, 13:47:36 GMT-0800 2022

City Mgr Approval

Marie Mosley
Feb 04, 06:34:27 GMT-0800 2022

HOMELESS LEGAL PERSPECTIVE

Limitations on Regulatory Enforcement

HOMELESS LEGAL PERSPECTIVE

Martin v. City of Boise

- September 2018 the Ninth Circuit Court of Appeals ruled that enforcement of ordinances that prohibit sleeping or camping on public property against homeless individuals is unconstitutional when those individuals do not have a meaningful alternative, such as barrier free shelter space or a legal place to camp.
- Court ruled that shelter space is not “available” if homeless individuals are required to participate in religious instruction in exchange for shelter.
- Martin does not cover individuals who do have access to adequate temporary shelter but choose not to use it.
- Even when shelter is unavailable, an ordinance may prohibit sitting, lying, or sleeping outside at certain times in certain locations.
- An ordinance may prohibit obstruction of rights-of-way or the erection of certain types of structures.

HOMELESS LEGAL PERSPECTIVE

Hosting Homeless by Religious Organizations – ESHB 1754 effective June 2020

- Religious organization may host the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.
- The City is prohibited from enacting regulation or taking other action which imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter.
- Legislation restricted city authority to limit the duration of encampments, to regulate safe parking program, sets forth criteria for regulating small houses, ability to limit simultaneous outdoor encampments.
- Codes in effect prior to June 2020 are grandfathered as long as they do not categorically prohibit hosting of the homeless and have not been found by a court to violate RLUIPA – the Religious Land Use Institutionalized Persons Act 42 U.S.C. § 2000cc
- KMC 18.42.105 Temporary Homeless Encampment Permit; KMC 18.12.255 Encampment Conditions

HOMELESS LEGAL PERSPECTIVE

Panhandling - *City of Lakewood v. Robert Willis (2016)* Washington State Supreme Court struck down two sections of the City of Lakewood's panhandling ordinance as unconstitutional restrictions on First Amendment rights of individuals – sidewalks and intersections considered traditional public forum which prohibits imposing restrictions based upon content of persons speech; begging is protected conduct.

KMC 10.08.020 Disorderly Conduct – prohibits intentionally obstructing vehicular or pedestrian traffic, without legal authority.

Signs Discouraging Support for Panhandling

HOMELESS LEGAL PERSPECTIVE

Sit Lie Laws – The “Sit – Lie” ordinance prohibits sitting or lying on the sidewalk or public rights of way; during limited hours of the day; within limited geographic boundary; intended to address public health and safety and safeguard economic viability of commercial areas.

Notice requirement before enforcement can take place.

Certain Exemptions Required – sitting or lying due to medical emergency or due to sensory, mental or physical disability; allows use of wheelchair, walker or similar device; operating or patronizing a business with permission to occupy the sidewalk;

KMC 10.08.140 Sitting, Lying on Sidewalk in Designated Zone

HOMELESS LEGAL PERSPECTIVE

Anti- Camping Ordinance and Homeless Encampment Removal – KMC 9.54

- Prohibits use of public parks, streets, sidewalks, trails, city owned or maintained property for camping purposes or storage of personal property;
- 72 hour notice provided prior to removal of an encampment, litter, garbage and debris discarded, personal property stored for 60 days;
- Individuals are provided referral to services; criminal enforcement suspended if no emergency shelter space available or the individual is actively seeking services.

HOMELESS LEGAL PERSPECTIVE

Blake Decision - February 2021 Washington Supreme Court in *State v. Blake* held that Washington's strict liability drug possession statute was unconstitutional because the lack of a mental state could result in punishment for innocent conduct.

- In response legislature passed ESHB 5476 which amended RCW 69.50.4013; the new law added a “knowledge” requirement to the statute, but also reduced the penalty for simple possession of controlled substances from a felony to a misdemeanor and requires law enforcement to divert the *first two* potential offenses for simple drug possession instead of referring cases to the prosecutor.
- The law is set to sunset in July 2023 unless the legislature takes action to amend. The City amended its codes to incorporate RCW 69.50.4013 by reference to allow the City to prosecute these cases when the circumstances warrant.
- Until recently there was no formal plan or process to address the diversion requirement, local agencies developed their own process. The State recently funded the “Recovery Navigator Program” to facilitate referral to services and case management in each county what that will look like is TBD.

HOMELESS LEGAL PERSPECTIVE

Police Limitations -

- Police Reform Legislation eliminated ability of law enforcement to perform *Terry Stop* reasonable force to detain an individual based upon reasonable suspicion a crime has been committed.
- Covid Booking Restrictions limits the types a crimes that will be booked into jail – typically disorderly, trespass, sit-lie, drug possession not included; even when booked not held pending outcome of the case.

HOMELESS LEGAL PERSPECTIVE

What are the needs of the Community?

Inpatient Treatment Facility – Drug Treatment – Mental Health Treatment

Shelter Housing - Transitional Housing – Low Income Housing





City Council Meeting Schedule March 2022

The City broadcasts all City Council meetings on the City's website
<https://www.go2kennewick.com/CouncilMeetingBroadcasts>.

- March 1, 2022
Tuesday, 6:30 p.m. REGULAR COUNCIL MEETING
- March 4, 2022
Friday, 1:00 p.m.-5:00 p.m. COUNCIL RETREAT (Location TBD)
- March 5, 2022
Friday, 8:00 a.m.-12:00 p.m. COUNCIL RETREAT (Location TBD)
- March 8, 2022
Tuesday, 6:30 p.m. WORKSHOP MEETING
1. Animal Control Update
2. Public Safety – Community Engagement
3. Comp Plan Amendment Process
4. Regional Pavement Cut Policy
- March 15, 2022
Tuesday, 6:30 p.m. REGULAR COUNCIL MEETING
- March 22, 2022
Tuesday, 6:30 p.m. WORKSHOP MEETING
1. Visit Tri-Cities Annual Update
2. CDBG/Housing Partnership
3. Public Records Processing
- March 29, 2022
Tuesday, 6:30 p.m. NO MEETING SCHEDULED

To assure disabled persons the opportunity to participate in or benefit from City services, please provide twenty-four (24) hour advance notice for additional arrangements to reasonably accommodate special needs.

Please be advised that all Kennewick City Council Meetings are Audio and Video Taped

March 2022
Updated 01/28/22