

TRACY HOMELESSNESS ADVISORY COMMITTEE REGULAR MEETING AGENDA

**Thursday, August 15, 2024, 7:00 P.M.**

Tracy City Hall, 333 Civic Center Plaza, Tracy

Web Site: [www.cityoftracy.org](http://www.cityoftracy.org)

**THIS MEETING WILL BE OPEN TO THE PUBLIC FOR IN-PERSON AND REMOTE PARTICIPATION PURSUANT TO GOVERNMENT CODE SECTION 54953(e).**

**MEMBERS OF THE PUBLIC MAY PARTICIPATE REMOTELY IN THE MEETING VIA THE FOLLOWING METHOD:**

*As always, the public may view the Tracy Homelessness Advisory Committee meetings live on the City of Tracy's website at [CityofTracy.org](http://CityofTracy.org) or on Comcast Channel 26/AT&T U-verse Channel 99. To view from the City's website, open the "Government" menu at the top of the City's homepage and select "Tracy Homelessness Advisory Committee", then select "[View Homelessness Advisory Committee Meetings on YouTube](#)" under the "Boards and Commissions" section.*

*If you only wish to watch the meeting and do not wish to address the Council, the City requests that you stream the meeting through the City's website or watch on Channel 26.*

**Remote Public Comment:**

*During the upcoming Homelessness Advisory Committee meeting public comment will be accepted via the options listed below. If you would like to comment remotely, please follow the protocols below:*

- *Comments via:*
  - **Online by visiting** <https://cityoftracyevents.webex.com> and using the following **Event Number: 2557 627 0204** and **Event Password: THAC**
  - **If you would like to participate in the public comment anonymously**, you may submit your comment in WebEx by typing "Anonymous" when prompted to provide a First and Last Name and inserting [Anonymous@example.com](mailto:Anonymous@example.com) when prompted to provide an email address.
  - **Join by phone by dialing +1-408-418-9388, enter 25576270204#8422# Press \*3 to raise the hand icon to speak on an item.**
  
- *Protocols for commenting via WebEx:*
  - *If you wish to comment on the "Consent Calendar", "Items from the Audience/Public Comment" or "Regular Agenda" portions of the agenda:*
    - *Listen for the Chairperson to open that portion of the agenda for discussion, then raise your hand to speak by clicking on the Hand icon on the Participants panel to the right of your screen.*
    - *If you no longer wish to comment, you may lower your hand by clicking on the Hand icon again.*

- *Comments for the “Consent Calendar” “Items from the Agenda/Public Comment” or “Regular Agenda” portions of the agenda will be accepted until the public comment for that item is closed.*

Government Code Section 54954.3 states that every public meeting shall provide an opportunity for the public to address the Tracy Homelessness Advisory Committee on any item, before or during consideration of the item, however no action shall be taken on any item not on the agenda.

Full copies of the agenda are available on the City’s website: [www.cityoftracy.org](http://www.cityoftracy.org)

CALL TO ORDER  
ROLL CALL

1. CONSENT CALENDAR

1.A. Adoption of June 20, 2024 Special Meeting Minutes

2. ITEMS FROM THE AUDIENCE - *In accordance with Council Meeting Protocols and Rules of Procedure*, adopted by Resolution 2019-240, a five-minute maximum time limit per speaker will apply to all individuals speaking during “Items from the Audience/Public Comment”. For non-agendized items, Advisory Committee members may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to the Tracy Homelessness Advisory Committee.

3. REGULAR AGENDA

3.A The Tracy Homelessness Advisory Committee receive and accept the San Joaquin County Continuum of Care 2024 Homelessness Point-In-Time Count Report of both sheltered and unsheltered homeless.

3.B The Tracy Homelessness Advisory Committee receive an informational report regarding expenditures paid from November 1, 2023, through April 30, 2024 by the City to The Salvation Army for its operations of the City’s interim shelter facilities.

3.C The Tracy Homelessness Advisory Committee receive and discuss 1) an informational report regarding the decision rendered by the United States Supreme Court in City of Grants Pass, Oregon V. Johnson et al (200 U. S. 321) and its potential impacts on City homelessness efforts and 2) a status update on the Temporary Emergency Housing Facility and associated City-Wide efforts.

4. STAFF ITEMS
5. COMMITTEE ITEMS
6. ADJOURNMENT

**Posting Date: August 12, 2024**

The City of Tracy is in compliance with the Americans with Disabilities Act and will make all reasonable accommodations for the disabled to participate in employment, programs and facilities. Persons requiring assistance or auxiliary aids in order to participate, should contact the City Manager's Office at (209) 831-6000 at least 24 hours prior to the meeting.

**SUPPLEMENTAL AGENDA**  
**See Update to Agenda Item 3.B**

TRACY HOMELESSNESS ADVISORY COMMITTEE                      REGULAR MEETING MINUTES

**Thursday, June 20, 2024, 7:00 P.M.**

Tracy City Hall, 333 Civic Center Plaza, Tracy

CALL TO ORDER – Chairperson Davis called the meeting to order at 7:01 pm

Vice Chair Bedolla attended remotely from the location noted on the agenda.

ROLL CALL- Deputy City Clerk. Roll call found Chairperson Davis present in City Hall, Council Chambers and Vice Chair Bedolla present and participating remotely.

1.        CONSENT CALENDAR

1.A.     Adoption of May 14,2024 Special Meeting Minutes – Minutes were adopted

2.        ITEMS FROM THE AUDIENCE -Cynthia Camacho, inquired on the request she made at the last THAC meeting for a total of the operator expenses at the shelter and breakdown of how that was being spent. She also asked if Virginia was aware of the new shower schedule being implemented at the shelter and asked if clients who work were considered when creating this schedule.

Virginia responded to the questions from the audience.

Committee comments followed.

3.        REGULAR AGENDA

3.A      The Tracy Homeless Advisory Committee recommends that the City Council adopt a resolution (1) awarding a construction contract to Quiring General, LLC., Pleasanton, California, in the amount of \$9,349,630 for construction of the Phase II Site Improvements of the Temporary Emergency Housing Facility Project, at 370 W. Arbor Avenue, and (2) authorizing the City Manager to approve change orders up to the contingency amount of \$934,963, pursuant to Tracy Municipal Code Section 2.20.090(b).

Ilene Macintire, Senior Civil Engineer provided the staff report, presentation and responded to questions.

Committee questions and comments followed.

Virginia Carney, Homeless Services Manager responded to questions.

Committee questions followed.

Cynthia Camacho, asked if all lighting at the shelter would be electrical or was solar considered as an option. Additionally, she asked that once Phase II is

complete has a transition plan been created for those who are currently at the shelter and if individuals who are working will they remain in their current unit. Ms. Camacho added that once phase II is complete that more responsibility should be placed on the client like cleaning bathrooms and showers and since shelter is 24/7 if a number for weekend services can be provided to the public.

Committee comments followed.

Sgt. Daniel Garcia informed the committee that additional support to the Familiar Faces team would be coming soon. The role of this member would be to provide supportive services on the weekends.

Arturo Sanchez, Assistant City Manager, responded to questions.

Committee questions and comments followed.

Brian MacDonald, Interim Public Works Director, responded to questions.

**ACTION:** Motion was made by Vice Chairperson Bedolla and seconded by Chairperson Davis to adopt a resolution (1) awarding a construction contract to Quiring General, LLC., Pleasanton, California, in the amount of \$9,349,630 for construction of the Phase II Site Improvements of the Temporary Emergency Housing Facility Project, at 370 W. Arbor Avenue, and (2) authorizing the City Manager to approve change orders up to the contingency amount of \$934,963, pursuant to Tracy Municipal Code Section 2.20.090(b).

3.B The Tracy Homelessness Advisory Committee recommends that the City Council adopt a resolution by a four-fifths vote (1) making a determination that compliance with standard procurement process is not in the best interest of the City and dispense the bidding requirements for the purchase of a high tension membrane structure from Sprung Instant Structures, Inc., pursuant to California Public Contract Code Section 22050 and Tracy Municipal Code Section 2.20.270(a); and (2) rescinding the approval, given pursuant to Resolution 2022-098, of a Purchase Agreement with Sprung Instant Structures, Inc. for a high-tension membrane structure in the amount of \$455,000; and (3) approving, instead, a Purchase Agreement with Sprung Instant Structures, Inc., for such structure at the Not-To-Exceed amount of \$481,275. (Correction Made To Resolution)

Ilene Macintire, Senior Civil Engineer provided the staff report and responded to questions.

No public comment.

Committee questions and comments followed.

**ACTION:** Motion was made by Vice Chairperson Bedolla and seconded by Chairperson Davis to adopt a resolution by a four-fifths vote (1) making a determination that compliance with standard procurement process is not in the best interest of the City and dispense the bidding requirements for the purchase of a high tension

membrane structure from Sprung Instant Structures, Inc., pursuant to California Public Contract Code Section 22050 and Tracy Municipal Code Section 2.20.270(a); and (2) rescinding the approval, given pursuant to Resolution 2022-098, of a Purchase Agreement with Sprung Instant Structures, Inc. for a high-tension membrane structure in the amount of \$455,000; and (3) approving, instead, a Purchase Agreement with Sprung Instant Structures, Inc., for such structure at the Not-To-Exceed amount of \$481,275.

- 3.C The Tracy Homeless Advisory Committee recommend recommends that the City Council adopt a resolution approving Amendment No. 1 to the to the Purchase Agreement for Goods, Commodities, and Ancillary Services with Linked Equipment, LLC. an Arizona Limited Liability Corporation, to increase the total compensation by \$12,527, for a Not-To-Exceed amount of \$563,027, for premanufactured customized containers for the Temporary Emergency Housing Facility, Phase II Site Improvements.

Ilene Macintire, Senior Civil Engineer provided the staff report and responded to questions.

No public comment.

Committee questions and comments followed.

**ACTION:** Motion was made by Vice Chairperson Bedolla and seconded by Chairperson Davis to adopt a resolution approving Amendment No. 1 to the to the Purchase Agreement for Goods, Commodities, and Ancillary Services with Linked Equipment, LLC. an Arizona Limited Liability Corporation, to increase the total compensation by \$12,527, for a Not-To-Exceed amount of \$563,027, for premanufactured customized containers for the Temporary Emergency Housing Facility, Phase II Site Improvements.

4. STAFF ITEMS – None
5. COMMITTEE ITEMS – Chairperson Davis announces that there will be no THAC meeting in July due to Summer Recess for City Council. THAC will reconvene on August 15<sup>th</sup> if there are no pressing items.
6. ADJOURNMENT – Time: 7:52 p.m.

**ACTION:** Motion was made by Chairperson Davis and seconded by Vice Chair Bedolla to adjourn. Roll call found all in favor; passed and so ordered.

The supplemental agenda was posted at City Hall on June 18, 2024. The above are action minutes.

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Administration Technician

AGENDA ITEM 3.A

RECOMMENDATION

**Staff recommends the Tracy Homelessness Advisory Committee receive and accept the San Joaquin County Continuum of Care 2024 Homelessness Point-In-Time Count Report of both sheltered and unsheltered homeless.**

EXECUTIVE SUMMARY

Staff recommends that the Tracy Homelessness Advisory Committee (THAC) receive and accept the San Joaquin County Continuum of Care (CoC) 2024 Homelessness Point-In-Time Count Report of both sheltered and unsheltered homeless. The report was released by the county on July 31, 2024, and made available on the CoC Website.

BACKGROUND AND LEGISLATIVE HISTORY

The U.S. Department of Housing and Urban Development (HUD) requires all recipients of federal funding to provide homeless services. The Continuums of Care (CoC) across the country report the findings of their local Point-in-Time (PIT) count of unhoused individuals in their annual funding application to HUD. Currently, the San Joaquin County CoC receives annual federal funding and as such is required to report their findings.

Every two years communities across the country conduct comprehensive counts of the local homeless populations in order to measure the prevalence of homelessness in each local continuum of care. The San Joaquin County Point-In-time count was a county-wide effort conducted on January 29, 2024, with the aide and in partnership with local jurisdictions, community groups, and residents.

The PIT resulted in a net 200 unhoused individuals being identified in the City of Tracy, 98 of whom are currently receiving shelter, and 102 who remain unsheltered.

FISCAL IMPACT

There will be no fiscal impact associated with this informational item.

PUBLIC OUTREACH/ INTEREST

Staff will post this information to the Homeless Services Division webpage for members of the public who may wish to review but do not attend THAC.

CEQA DETERMINATION

Review under the California Environmental Quality Act is not applicable for this report.

STRATEGIC PLAN

This agenda item is consistent with the City Council's adopted 2021-2023 Strategic Priorities, Public Safety Strategy Plan, Goal No. 2, Implementation of the Adopted Homelessness Strategic Plan, Item No. 3, to partner and contract with shelter service provider to operate the facility.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends the Tracy Homelessness Advisory Committee receive and accept the San Joaquin County Continuum of Care 2024 Homelessness Point-In-Time Count Report of both sheltered and unsheltered homeless.

Prepared by: Virginia Carney, Homeless Services Manager

Reviewed by: Bijal Patel, City Attorney  
Sara Castro, Director of Finance  
Arturo M. Sanchez, Assistant City Manager

Approved by: Midori Lichtwardt, City Manager



AGENDA ITEM 3.B

RECOMMENDATION

**Staff recommends the Tracy Homelessness Advisory Committee receive an informational report regarding expenditures paid from November 1, 2023, through April 30, 2024 by the City to The Salvation Army for its operations of the City's interim shelter facilities.**

EXECUTIVE SUMMARY

Staff recommends that the Tracy Homelessness Advisory Committee (THAC) receive and accept this informational report on the first 6-months of operational invoices from the current shelter operator, The Salvation Army, for operating of the interim shelter facilities.

BACKGROUND AND LEGISLATIVE HISTORY

On October 3, 2023, the Tracy City Council awarded the Salvation Army a Professional Service Agreement (PSA), to operate the City's Temporary Emergency Housing Facility for an initial one-year term, with a not-to-exceed annual cost of \$2.6 Million, and with an option to extend an additional year, if the Salvation Army satisfactorily performed all requirements in the PSA. On October 26, 2024, The Salvation Army and City formally executed the contract and The Salvation Army commenced operation of the facility.

On May 14, 2024, the members of the THAC and the public requested information on the monthly invoices from the current shelter operator, The Salvation Army. The purpose of the request was to receive an accounting for expenditures on the site operations for the first 6 months. Concurrent with this request staff was preparing to and is currently working on a 6-month review of both operations, client files and the physical review of the site. We are including the 6-month invoice review as part of the shelter operations assessment that we provide for our internal contract review process. The review is intended to determine if operations in the first months of operation have occurred as provided for per the PSA and in a satisfactory manner. Staff has prepared the attached Exhibit A in response to the request. Exhibit A reflects the operational expenses paid by the City to The Salvation Army from November 1, 2023, through April 30, 2024.

ANALYSIS

The request made by THAC and the members of the public is consistent with the need to conduct an assessment of the satisfactory performance of shelter operations as will be required prior to the potential extension of the 1-year PSA. A key component of the satisfactory performance of the PSA includes fiscal accountability and management by the shelter operator. The presentation of the invoices from the shelter operator for the first 6 months of operation afford THAC, staff and members of the public to assure that the public dollars spent on this important project are spent appropriately and consistent with THAC and Council direction.

Staff's concurrent review of shelter operations are designed to provide the THAC the other component of satisfactory operations which include services provided, records and measurable outcomes that can substantiate the expenditures to date. The transparent presentation of the

financial and operational information to THAC will provide an opportunity for assessing the success and performance of the shelter operator.

#### FISCAL IMPACT

There will be no fiscal impact associated with this informational item.

#### PUBLIC OUTREACH/ INTEREST

Staff will post this information to the City of Tracy's Homeless Services Division webpage for members of the public who may wish to review but do not attend THAC.

#### CEQA DETERMINATION

Review under the California Environmental Quality Act is not applicable for this report.

#### STRATEGIC PLAN

This agenda item is consistent with the City Council's adopted 2021-2023 Strategic Priorities, Public Safety Strategy Plan, Goal No. 2, Implementation of the Adopted Homelessness Strategic Plan, Item No. 3, to partner and contract with shelter service provider to operate the facility.

#### ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends the Tracy Homelessness Advisory Committee receive an informational report regarding expenditures paid from November 1, 2023, through April 30, 2024 by the City to The Salvation Army for its operations of the City's interim shelter facilities.

Prepared by: Virginia Carney, Homeless Services Manager

Reviewed by: Arturo M. Sanchez, Assistant City Manager  
Sara Castro, Director of Finance  
Bijal Patel, City Attorney

Approved by: Midori Lichtwardt, City Manager

#### ATTACHMENTS

Attachment A- 6-Month Review for The Salvation Army

## 6-Month Review for The Salvation Army

The Salvation Army, A California Corp.						
<b>TERM OF AGREEMENT 11/1/2023-10/31/2024</b>						
	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24
Invoice #	Invoice 1001	1001	1001	1002	1003	1004
Invoice Date	11/02/23			03/07/24	04/01/24	05/01/24
<b>EXPENSES</b>						
LABOR	67,874.62	72,478.49	68,234.79	63,414.35	60,605.46	62,723.92
FACILITIES & OPERATIONS	9,840.72	9,840.73	9,840.73	51,359.66	43,993.21	41,376.77
CLIENT SERVICES	12,960.00	14,607.00	18,450.00	18,207.01	19,872.00	21,024.00
ADMIN	24,150.80	24,150.80	24,150.81	33,910.16	31,740.02	31,906.80
<b>Total Due</b>	<b>114,826.14</b>	<b>121,077.02</b>	<b>120,676.33</b>	<b>166,891.17</b>	<b>156,210.69</b>	<b>157,031.49</b>

- November 2023 through January 2024 reimbursement was paid as one total payment under Invoice 1001. This was negotiated during contract execution to provide a start-up fee to the operator to ensure no gap in services during transition of operators. The amounts shown above are the breakdown of expenses for each month.
- Facilities and Operations increased in February 2024 due to TSA finalizing the following:
  - Security contract with Windwalker
  - Turnover of garbage services to TSA
  - Laundry contract with Uplift All Foundation
  - TSA transitioned away from the canteen and began services with US Foods for all meals
- Client Services consist of all meals provided at TEHF (breakfast, lunch and dinner)
  - January 2024 client services increased due to Phase IV-Custom Containers in service
  - December 2023 increasing client occupancy at shelter
  - Median daily shelter census is 79 clients
- Monthly average of previous and current operator:
  - City Net monthly average was \$154,241.75 (after Rapid Start Up) Phase III-Modulars with 48 beds
  - TSA monthly average is \$160,044.45 Phase III and Phase IV with 86 beds
- Admin consist of Admin De Minimis
  - TSA has an approved Administration Fee Negotiated Indirect Cost Rate Agreement (NICRA) of 25.5%

AGENDA ITEM 3.C

RECOMMENDATION

**Staff recommends the Tracy Homelessness Advisory Committee receive and discuss 1) an informational report regarding the decision rendered by the United States Supreme Court in *City of Grants Pass, Oregon V. Johnson et al* (200 U. S. 321) and its potential impacts on City homelessness efforts and 2) a status update on the Temporary Emergency Housing Facility and associated City-Wide efforts.**

EXECUTIVE SUMMARY

Staff recommends that the Tracy Homelessness Advisory Committee (THAC) receive, discuss and accept this informational report regarding the decision of the US Supreme Court; and its impact on the efforts of the City of Tracy's Homeless Services, as well as an update on the current state of enforcement, diversion, shelter operations, construction of the TEHF, and associated policy questions that may arise.

BACKGROUND AND LEGISLATIVE HISTORY

In the western United States, public agency response to homelessness has been significantly shaped by The Ninth Circuit Court of Appeals decision in *Martin v. City of Boise*, 920 F.3d 584 (9th Cir. 2019). In the *Martin* case, the Court of Appeals held that an ordinance adopted by the City of Boise, Idaho violated the Cruel and Unusual Punishments Clause articulated in the Eighth Amendment to the United States Constitution by imposing criminal sanctions against homeless individuals for sleeping outdoors on public property, when no alternative shelter was available to them. The decision was predicated on a legal precedent established by the Supreme Court of the United States (SCOTUS) back in 1962 in, *Robinson v. California* (370 U.S. 660), in which SCOTUS struck down a California law that made it illegal to be addicted to narcotics. In *Robinson*, the Court determined that the law violated the Eighth Amendment by criminalizing a status rather than misconduct. Similarly, in the *Martin* case, the Ninth Circuit determined that sleeping on public property constituted "involuntary conduct" by individuals who did not have access to shelter beds and the City of Boise's law criminalizing such "status" violated the Eighth Amendment.

Virtually overnight, the *Martin* case required many cities throughout the western United States to stay enforcement of similar ordinances until they could objectively demonstrate that they had sufficient shelter beds in their respective jurisdictions to meet or exceed the Point-In-Time (PIT) counts of homeless individuals determined biennially through separate legally mandated processes. As many cities were unable to provide adequate numbers of shelter beds, they began to struggle with how to address growing levels of camping and sleeping in public spaces. Several state and federal circuit court decisions soon followed with additional restrictions and controls that impacted cities regarding confiscation of personal property, encampment cleaning processes, and notice requirements. These subsequent decisions, while not controlling on the entire 9<sup>th</sup> Circuit jurisdiction, further informed and or directed how many western cities felt they could or should address the issue of homeless individuals.

Concurrently with these decisions, the City of Tracy was facing an increase in the number of homeless individuals camping or sleeping on public property or right of way. Mindful of the court decisions, the City adopted a Homeless Strategic Plan, which was, in 2020, amended and re-adopted (as amended, the Plan). The Plan outlines an ongoing comprehensive strategy to make homelessness rare, brief, and non-recurring in the City of Tracy. The direction and goals included in the Plan built on the progress that the City had made towards ending homelessness while also recognizing new practices, emerging challenges, and opportunities to develop a system that uses all available resources to house people experiencing homelessness.

The plan established four overarching goals with short-term, mid-term and long-term objectives, these are

GOAL 1: INCREASE HOUSING OPTIONS IN TRACY

GOAL 2: INCREASE ACCESS TO COORDINATED SUPPORT SERVICES FOR PEOPLE EXPERIENCING HOMELESSNESS

GOAL 3: DEVELOP ACTION PLANS FOR ENGAGING WITH PEOPLE EXPERIENCING HOMELESSNESS

GOAL 4: ENACT SPECIFIC STRATEGIES FOR VULNERABLE SUBPOPULATIONS EXPERIENCING HOMELESSNESS

Goal 3 Included the following objectives:

- (1) Establish “Law Enforcement Protocol” for initiating contact with people experiencing homelessness that complies with the recent *Martin* decision;
- (2) Establish “Crisis Response Protocol” for local service providers to render rapid crisis support — including after-hour services for people experiencing or at-risk of homelessness; and
- (3) Partner with county agencies (including the District Attorney’s Office and the San Joaquin County Jail) to evaluate opportunities for diversion programs or other alternatives to incarceration for people experiencing homelessness—including a warm “hand off” to service providers to render immediate crisis support services or emergency housing.

Goals 1-3 included objectives which led to the rapid development of the TEHF site. The TEHF site continues to be constructed but has been phased in development in such a way that it currently provides temporary housing and support services for up to 85 individuals. The TEHF Phase II construction of a sprung structure is anticipated to be completed in early 2025, while several components remain to be approved for contract pending funding and resource identification. Completion of Phase II and funding availability, or lack thereof, will present to the City of Tracy several options and decision points regarding the future operations and development of the site.

In addition to the Plan and TEHF, in 2022, the City Council amended the Tracy Municipal Code (TMC) to expressly prohibit certain activities, such as camping and sleeping, in City parks and open spaces. However, these restrictions were not enforced because of *Martin*. As issues with homelessness continued to escalate in certain areas of the City, in December 2023, the City Council further amended the TMC to identify public parks as “sensitive uses” in order to utilize police powers to enforce already established prohibitions in such areas.

The entirety of the actions taken by the City vis a vis the adoption of the Plan and enforcement ordinances were designed to provide the City with a framework of support and enforcement that

would allow of the City to enforce its anti-camping ordinances and to provide shelter and support services via the TEHF and wrap around services located therein. Since 2020 to date the City has been developing the TEHF site and successfully enforcing its anti-camping or sleeping ordinances.

On June 28, 2024, SCOTUS rendered its ruling in the long-awaited class action case of *City of Grants Pass, Oregon V. Johnson et Aa* (200 U. S. 321). This decision expressly overturned the Ninth Circuit's ruling in overturned *Martin*, by ruling that enforcement of anti-camping ordinances did not violate the Eighth Amendment regardless of the availability of shelter beds. So, as of today, public agencies may advance their enforcement actions regardless of PIT counts and available shelter beds.

Importantly, the *Grants' Pass* case only addressed the Eight Amendment issue as related to the enforcement of anti-camping ordinances. This case does not change existing law on confiscation of personal property or due process noticing requirements.

### ANALYSIS

The SCOTUS decision in *Grant's Pass V* does not impact or require any change to the current programs and enforcement conducted by the City of Tracy. The decision does however result in an opportunity to review and discuss the status of enforcement programs, goals and outcomes; as well as an opportunity to update the THAC on the impacts of the Plan, current status of the TEHF construction, funding and operations. A review and discussion of all these elements is warranted by the recent decision because, although no change is required as a result of the decision, the decision and its impact on the *Martin* decision provides an opportunity for the City to determine if the current program is the appropriate direction for the City.

The net impact of the City's current Plan is that there has been a general improvement in the conditions found on public rights of way, infrastructure and support provided to homeless individuals. Now, as the City nears the final development and construction of PHASE II of the TEHF there will be a need to raise a series of policy decisions for which the THAC will need to consider and make recommendations to the City Council that will relate to the future operations and or funding of the TEHF. Staff has prepared a slide presentation to discuss the city-wide impacts that the Plan and current TEHF model have had on enforcement, city parks, services, and illegal dumping/bulky waste throughout the City, and the policy/service questions that will need to be taken up soon.

In addition to this report, staff will be presenting a Power Point presentation (see Attachment A) through which staff will provide an update on operational and construction activities related to the TEHF.

### FISCAL IMPACT

There will be no fiscal impact associated with this informational item. Staff would note however that decisions regarding the TEHF, its funding and the development at the site will be forthcoming and many of them will carry financial considerations that will require THAC consideration and recommendations to the City Council for decisions.

PUBLIC OUTREACH/ INTEREST

Staff continues to work with their community and public entity partners to update, inform and deploy resources to support City of Tracy unhoused individuals.

CEQA DETERMINATION

Review under the California Environmental Quality Act is not applicable for this report.

STRATEGIC PLAN

This agenda item is consistent with the City Council's adopted 2021-2023 Strategic Priorities, Public Safety Strategy Plan, Goal No. 2, Implementation of the Adopted Homelessness Strategic Plan, Item No. 3, to partner and contract with shelter service provider to operate the facility.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends the Tracy Homelessness Advisory Committee receive and discuss 1) an informational report regarding the decision rendered by the United States Supreme Court in *City of Grants Pass, Oregon V. Johnson et al* (200 U. S. 321) and its potential impacts on City homelessness efforts and 2) a status update on the Temporary Emergency Housing Facility and associated City-Wide efforts.

Prepared by: Virginia Carney, Homeless Services Manager  
Arturo M. Sanchez, Assistant City Manager

Reviewed by: Bijal Patel, City Attorney  
Sara Castro, Director of Finance  
Arturo M. Sanchez, Assistant City Manager

Approved by: Midori Lichtwardt, City Manager

ATTACHMENTS:

Attachment A-Homeless Services Division- PowerPoint Presentation



# Homeless Services Division

August 15th, 2024



# OVERVIEW

- City Attorney SCOTUS Summary
- Tracy Police Department Overview
- Public Works-Community Preservations Unit
- Parks, Recreation & Community Services Department
- Construction Summary
- Phase III and Phase IV
- Shelter Operations Update
- Navigation Center – Campus Concept
- Homeless Services Division Discussion



# Legal Framework

- ***Martin v. City of Boise*, 920 F.3d 584 (9th Cir. 2019)**
- ***City of Grants Pass, Oregon V. Johnson et al*, 200 U. S. 321 (Supreme Court, 2024)**



# Tracy Police Department Overview

Familiar Faces  
January 2023- July 2024:



Patrol Activities  
June 2023- July 2024:

## Activities

	New Clients Enrolled to National HMIS Database <b>316</b>
	Outreach Contacts <b>613</b>
	Case Management Sessions <b>549</b>
	Service Transports <b>232</b>

## Accomplishments

	Housing Obtained <b>20</b>
	Shelter Enrollments <b>76</b>
	Vital Documents Obtained <b>21</b>
	Obtained Mental Health Services <b>18</b>

## Police Responses

	Security Checks Initiated by Officers <b>423</b>
	Calls Received from the Public <b>73</b>
	Requests for Assistance/ <i>911</i> <b>12</b>
	Total Law Enforcement Responses <b>920</b>

## Dispositions

	Citations Issued <b>34</b>
	Arrests with Booking <b>41</b>
	Mental Health / 5150 Transports <b>28</b>
	Medical Response <b>4</b>

# Tracy Police Department Highlights

- The Tracy Municipal Codes have been updated regarding Unlawful Camping and Storage of Personal Property in designated public spaces, including parks. The Supreme Court decision on Grant Pass vs. Johnson validated our update to the Tracy Municipal Code. This means that the Tracy Police Department was ahead of the curve and the actions we took, as well as the citations issued during that period, would all be upheld if challenged.
- Between November and December of 2023, El Pescadero Park, Detention Basin 4, and Plasencia Fields were all vacated and restored to their original purpose. The restoration of El Pescadero Park is making way for the construction of the Multi-Generational Recreation Center.
- The City Attorney's Office has recently pursued over 90% of the Municipal code violation cases that the Tracy PD has issued through the courts.
- In 2022 through 2024, the Tracy PD received \$643,250 in grants to initially implement Familiar Faces in partnership with San Joaquin County Behavioral Health. As a result of the programs success, the police department will be able to hire an Administrative Assistant and add an additional Homeless Outreach Coordinator focused on the Mobile Evaluation Team (MET) for mental health.
- The Tracy Police Department has partnered with the California Highway Patrol, CalTrans, and Union Pacific Railroad to proactively respond to unincorporated areas of Tracy, focusing on homeless outreach and ensuring public safety related to the unhoused, debris, and crime.
- Updated No-trespassing letters were received from private property owners, CalTrans and Union Pacific Railroad to enhance enforcement efforts.
- Bi-weekly meetings are held at the police department with agency partners, service providers, Homeless Services division, Familiar Faces, Tracy Community Connections Center, Fire, Code Enforcement, and Public Works to effectively respond and provide services to the unhoused population in unincorporated areas within or adjacent to city limits.
- We conduct daily checks of parks and public spaces to ensure that there are no violations of our Tracy Municipal Codes. To date, there have been no instances of unhoused individuals reestablishing encampments in parks and public spaces. When unhoused individuals are found setting up tents, they are immediately offered services and cleared from the area.



# Public Works- Community Preservations Unit



- Our Community Preservation Unit(CPU)) removed 450 tons of debris from City property in 2023.
- Since the shelter has been opened, CPU has seen an approximate 50% decrease in overall illegal dump weights with a small uptick in localized small debris/clean up service requests which are handled with an average response time of <48 hours.



# Parks, Recreation & Community Services Department

- Park signs updated
  - Park Closing Hours (*T.M.C. 4.16.190*)
- Significant decrease in encampments in City parks & community user complaints
- El Pescadero Park future location for New Multi-Generational Recreation Center (*anticipated completion Fall 2026*)



Plasencia Fields  
May 2022



El Pescadero Park  
December 2022

# Parks, Recreation & Community Services Department

- As of July 2024
- El Pescadero Park future location for New Multi-Generational Recreation Center (*anticipated completion Fall 2026*)



*Plasencia Fields*



*El Pescadero Park*

# Completed Improvements

## Phase I - Demolition, Grading & Underground Utilities

- Removal of 1100 square foot building, 2500 tons, asphalt, recyclable metals, buried concrete, and other materials
- Installation of 1450 feet of 12" water pipe, 1000 feet of sewer pipe, and communications & data conduits

## Phase III - Modular Buildings

Interim facility housing for 48 occupants, administration building, utilities, fire systems, temporary access road & parking, & site fencing

## Phase IV – Custom Non-Congregate Container Dormitories

Individual rooms for 38 occupants, utilities, fire sprinkler & alarm systems, temporary restrooms & showers, temporary fencing

# Improvements in Progress

Sewer Lift Station - Construction began in July 2024 and should be completed by October 31, 2024

Power Supply Installation - Construction anticipated to begin in August and be completed by October 31, 2024 - PG&E Activation approximately 2 months after final PG&E inspection

Phase II Contract - awarded by City Council and pending City execution

Sprung Contract - awarded by City Council and pending City execution





# Phase III and Phase IV



# Phase III and Phase IV

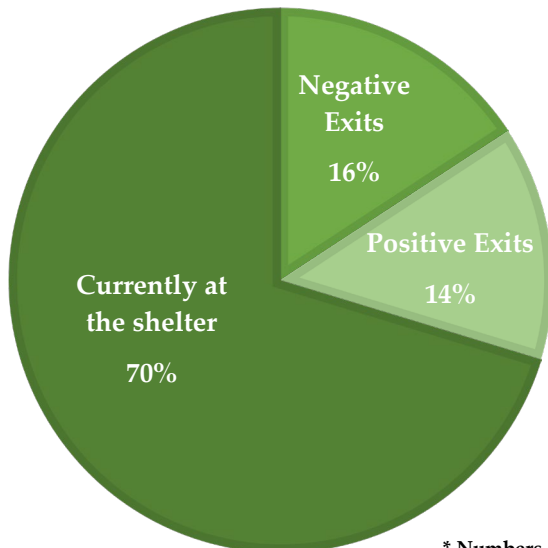
- Current services
  - 48 beds – Modular units, multi use, flexible with shelter needs
  - 37 beds – Container units, multi use, flexible with shelter needs
  - Service Gaps
    - Needs identified and not met
      - large sub populations with no support
      - medical needs
- Difficulties
  - Rule conformance
  - Length of stay
  - Engagement into supportive services
  - Housing pathways
  - Substance Use
  - Possessions



# SHELTER OPERATIONS

- Since onboarding through July 31<sup>st</sup>, The Salvation Army has accomplished the following:
  - Served a total of 165 Unique Clients\*
  - Total Number of Enrollments\*\*: 203
  - Total of 23 Positive Exits
    - 11 into permanent housing
    - 12 into other positive destinations
  - Served a total of 49,027 Meals

## UNIQUE CLIENTS SERVED\*



\* Numbers and stats are reflective from HMIS data collected effective 11/1/2023-7/31/2024

Shelter Services**	# of Services
ID Card Vouchers	34
Laundry Services	282
Mental Health Referrals	18
Substance Use Referrals	15
Case Management Services	897
Connect to Medical Provider	42
Employment Assistance	56
Housing Referrals	39

\*\* Numbers are reflective from HMIS Service Summary data collected effective 11/1/2023-7/31/2024 in total enrollments which includes duplicated clients.

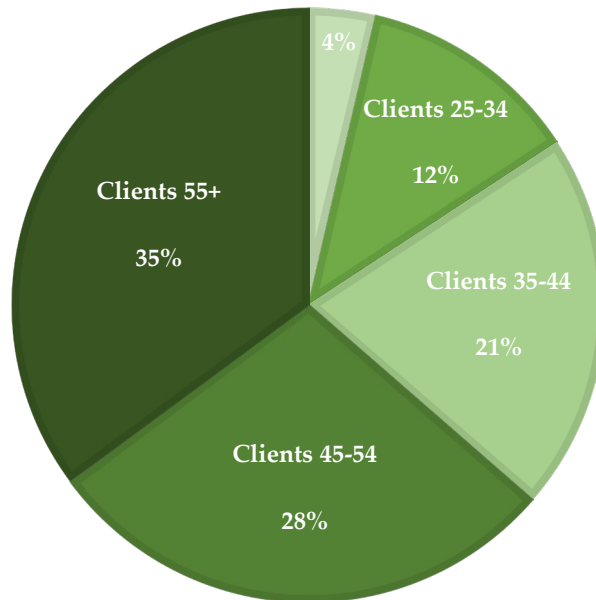


# Shelter Operations cont.

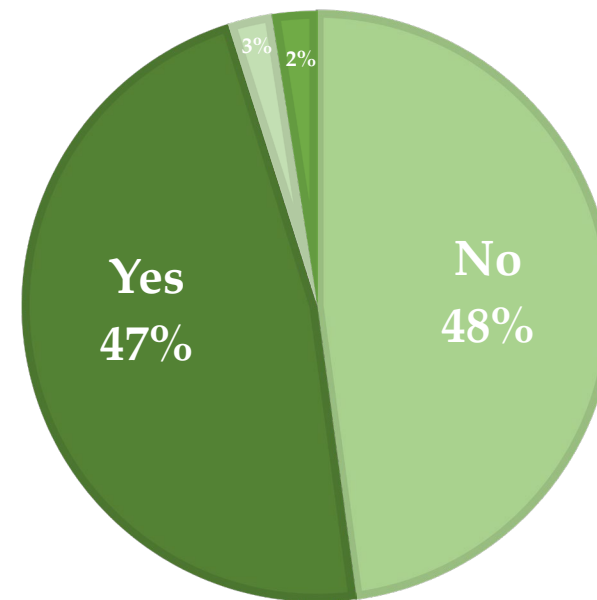
## TEHF Demographics

- The largest age group at the shelter are 55+ at 35% and the second largest are between the ages of 45-54 at 28%.
- Additionally, 47% of the client population at the shelter are disabled.

**AGE RANGE\***



**DISABLED ADULTS\***



\* Numbers and stats are reflective from HMIS data collected effective 11/1/2023-7/31/2024

# Navigation Center – Campus Concept

## Phase II

- Operations funding deficiencies – subsidize shelter operations budget with additional funding streams
- Capital funding deficiencies for kitchen, administration building and additional set of auxiliary buildings
- Upon completion of Sprung Structure City will be at Crossroad
  - Fund and Contract to Operate full site – ongoing annual expenditure
  - Find Private Entity to Fund and Operate at their expense
    - Additional considerations that impact either choice:
      - Exit lease – would reduce overall capacity
      - Maintain lease - seek revenue cost offsetting operations costs
      - Container Units – contract potential occupancy agreement
      - Fund Downtown Streets Team to enhance Familiar Faces and wraparound services
      - Partner with SJC Housing Authority to have Tracy dedicated voucher pool
      - Housing Initiative to solicit private owners







# DISCUSSION

