



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/15/2024

ITEM NO: 9

DATE: October 10, 2024
TO: Mayor and Town Council
FROM: Katy Nomura, Interim Town Manager
SUBJECT: Authorize the Town Manager to Execute a License Agreement with Flock Safety to Retain Privately Funded Cameras Installed in the Town of Los Gatos Right-of-Way

RECOMMENDATION:

Authorize the Town Manager to execute a License Agreement with Flock Safety to retain privately funded cameras installed in the Town of Los Gatos right-of-way (Attachment 1).

BACKGROUND:

In fall of 2023, it came to the attention of staff that Flock Safety (Flock) had contracted with private property owners to install security cameras in various locations within the Town of Los Gatos. Seven of these locations were identified to be on Town owned property along roadways (i.e., within the Town's right-of-way).

The Parks and Public Works Department (PPW) does not allow work within Town owned property without a permit or license agreement. Encroachment permits are issued by PPW for any work in the Town right-of-way that is temporary in nature. For example, replacement of a water main by San José Water Company would require an encroachment permit.

License agreements are required for permanent installations on Town property, recognizing the long-term nature of the impact to the Town. License agreements are filed with the Santa Clara County Clerk's Office as a record of encroachment.

PREPARED BY: Nicolle Burnham
Director of Parks and Public Works

Reviewed by: Interim Town Manager, Town Attorney, and Finance Director

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SUBJECT: License Agreement to Retain Privately Funded Flock Safety Cameras on Town Property in Seven Locations

DATE: October 10, 2024

DISCUSSION:

As previously noted, staff identified seven locations where Flock installed privately owned and funded cameras in the Town's right-of-way. As staff became aware that certain installations were not publicly funded or for explicit use of Los Gatos Monte Sereno Police Department (LGMSPD), potential remedies were considered. The recommended approach was to allow the installations to remain but require Flock to enter a license agreement to retain the installations.

In accordance with the proposed agreement, the previously installed cameras will be allowed to remain in place until the property owner ceases funding them or for five years, whichever is shorter. Staff recommends this approach as a way for the private installations to remain on public property. Staff recognizes that in the event of a criminal investigation the data from these cameras may be useful, assuming Flock's clients are willing to share the data, and staff expects they would be.

Staff has taken steps to prevent the issuance of encroachment permits for private Flock installations by requiring that all future Flock installations receive approval from the LGMSPD Chief of Police. The Chief will verify whether the installation is for law enforcement purposes or private use. No future installations of Flock cameras for private use will be allowed on Town property.

CONCLUSION:

Authorizing this license agreement will retroactively permit the placement of seven cameras in the Town right-of-way. If the license agreement is not executed, the cameras would need to be removed at the expense of the property owner(s) that paid for their installation.

COORDINATION:

This staff report has been coordinated with the Los Gatos Monte Sereno Police Department and the Town Attorney.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

ENVIRONMENTAL ASSESSMENT:

The license agreements authorize minor alterations to existing public right of way and are therefore categorically exempt from CEQA. (CEQA Guidelines Section 15301.)

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Property in Seven Locations

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Attachments:

1. License Agreement between Flock Safety and the Town of Los Gatos