



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Councilmember Raul Peralez

SUBJECT: City Manager's Report:
Outdoor Business Safety

DATE: October 19, 2020

Approved by:

Date: 10/19/20

RECOMMENDATION

Direct the City Manager to return to City Council with updates on Safety Requirements and Protocols for the San José Al Fresco program.

DISCUSSION

On October 11, two tragic incidents occurred at outdoor dining locations that resulted in loss of life and severe injuries. I have been tremendously supportive of our San José Al Fresco program and worked with my council colleagues, city staff and the Greater Downtown San José Economic Recovery Task Force to refine and streamline the program. However, safety is paramount and should always be the first and utmost priority.

While the incidents continue to be under investigation, we should take pause and evaluate the San José Al Fresco program to make any necessary adjustments. Per City Staff, each *authorized* Al Fresco site in private parking lots should already account for traffic flow, provisions of metal barricades and other necessary traffic control equipment to separate pedestrians and vehicular traffic. Unfortunately, we now know that there are outdoor dining or business activities that are not properly registered and vetted, and operating with high-risk setups. I ask that City Staff work to improve education and compliance with our local business organizations as well as explore the use of safety barricades including economical alternatives such as water-filled K-Rails currently used in the City of Saratoga.

Finally, I would like to thank our first responders and the good samaritans who rushed to aid the victims of both tragedies. It is not my intent to create barriers to safe business activities but rather to enhance the safety for all as they continue to support our businesses during this time.