

**MINUTES
CITY OF ST. CHARLES, IL
GOVERNMENT OPERATIONS COMMITTEE
MONDAY, MAY 5, 2014**

1. Opening of Meeting

The meeting was convened by Chair. Turner at 7:57p.m.

2. Roll Call

Members Present: Chair. Turner, Ald. Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Martin, Krieger, Bessner, and Lewis

3. Omnibus Vote

None.

4. Mayor's Office

a. Recommendation of a new Class B liquor license for Riverside Pizza & Pub at 102 E Main Street, St. Charles (former Pi's location).

Mayor Rogina: The executive summary speaks for itself. We are happy to see the group of Nilles, Bridges, Berg, and Polizzi reopen what was formerly known as Pi's right across the street from the Arcada. It's a good downtown location that we're happy to see an additional lunch and dinner place. The new owners are looking to provide an atmosphere similar to what use to exist with Pi's. The Liquor Control Commission did unanimously approve recommending this liquor license Class B to you and I think it will serve our downtown and central 4th Ward very well.

Ald. Lewis: I am very much in support of this going forward but I was confused with the holding bar. When I was looking at the floor plan and layout, it looks like there are two bars; one on each level and with the holding bar it shall not contain seating in excess of 20% of the total number of seats; and on the first level it looks to me that there are 40 seats at tables and 20 bar stools. So combined that would be 60 seats on the first floor and 20 of those seats are way above the 20% that's allowed for a holding bar. I wanted to make sure that the new owners are aware that there is that issue of 20% at a holding bar.

Interim Chief Huffman: It's my understanding we are aware of it and when we do a background investigation we go over what's in the code with them and make them responsible for complying with the layout that the license dictates. We can certainly monitor that as they open for business.

Ald. Lewis: Well the layout that's in the packet is where I got the information from. Perhaps I'm not reading it correctly, and if so there is no issue, but when I was counting up chairs and bar stools it came up 40/20 seats on the first floor and that seemed out of portion with the 20%. So please just be aware of it as they go forward that is in our ordinance.

Ald. Martin: Are they willing to comply with that part of the ordinance?

Steve Nilles, 102 E Main Street, St. Charles/ 24146 Prince Circle, Plainfield: Yes I'm willing to comply with that. That was the seating chart that was there when we bought the building. We are going to have more table spaces on the first floor. We have a smaller bar than what was on that seating chart but yes we'll comply with it.

Motion by Ald. Stellato, second by Silkaitis to recommend a new Class B liquor license for Riverside Pizza & Pub at 102 E Main Street, St. Charles (former Pi's location).

Roll Call: Ayes: Stellato, Silkaitis, Lewis, Payleitner, Lemke, Bancroft, Bessner; Nays: Martin Krieger. Chrmn. Turner did not vote as Chairman. **Motion carried.**

5. Police Department

- a. **Request for consideration for Phantom Fight Promotions for approval of the Mixed Martial Arts event to take place at the Fox River Harley Davidson dealership on June 14, 2014, as well as a Class E2 liquor license, and sound amplification permit.**

Interim Chief Huffman: In your packet is a request for consideration for a mixed martial arts event called Rumble on the River. It is hosted by Phantom Fight Promotions and Harley Davidson to be held on Saturday, June 14, 2014 and the hours of the event are 3:00 p.m. to 7:00 p.m. This event will be held in the parking lot and alcohol and food service will be offer at the event with the doors opening at 3:00 p.m. The Fox River Harley Davidson Dealership have utilized Puebla Modern Mexican restaurant to provide the liquor and food service. The sponsor requests the event to be open to all ages. In your packet we indicated that patrons 21 and over who are consuming alcohol will be contained separate from those who are not. I was notified just a few minutes ago that Phantom Fight Promotions does not want to separate minors from the adults consuming alcohol. There'll be a physician stationed ring side during the event as well as an ambulance, there will be extra duty police officers stationed there and all the cost will be borne by the Phantom Fight Promotions. This request is for consideration for the approval of the mixed martial arts event as well as the Class E2 liquor license for Puebla to serve alcohol, and a sound amplification permit. We do have someone here from Phantom Fight Promotions who would like to speak as well.

Rob Tobar, 54 W Winthrop, Chicago, IL: I would like to tell you a little about Phantom Fights and who Phantom Promotions is and how we got started. Phantom Fights is a group of folks who have gotten together and decided to put out some exponential top end events. There is three of us in the company: Eric Peneda is a former MMA competitor himself and has plenty years of experience in the arena and the MMA community and is very respected. He is a Chicago resident and is the President/Founder for a Permit Consulting Firm in the City of Chicago and is currently an MMA matchmaker. Hector Ayano has many years of service in event show promotions. He is respected in the Fox Valley community and has worked with many vendors up and down the Fox Valley corridor. Mr. Ayano is the Founder/CEO of M&M

promotions and he is currently our relationship expert and sponsorship advisor for PFP. I, Rob Tobar, have had many years with the media and plenty of experience in boxing background. We are not a fly-by-night company. We were instrumental in bringing ESPN Fight Night to Cellular Field. We are professionals and we intend to show people a great experience, not just in mixed martial arts but in all the events we put on up and down the Fox Valley area. We are an A to Z creative agency for digital and post productions with broadcast experience. I am also the content producer for a TV show. Combined we are a power house. So we are here to show people a good time, promote local vendors, and improve business in St. Charles.

This event will be held in the parking lot of Fox River Harley Davidson and I'll explain how we'll do that. The location – why outside? Harley Davidson has provided riders wonderful outdoor experiences, so by doing an outdoor event and attracting customers to their store – our goal is to bring clients into their store itself, so it's just not about the fight, its bringing business into the store. We are also working with local vendors to set up vendor booths so we can showcase the City of St. Charles. We've reached out to the Welcome Center and will have all businesses and collateral at our event that day as well.

Talk a little about finance - 18% of MMA funds come from an annual household of \$100K to \$250K; that's slightly less than the US average of 20%. These are the types of fans that we attract and I want to emphasize safety and also to make sure we have a good professional event in attracting great clients from the City of St. Charles. Earlier I mentioned that we did the ESPN fights, I was very instrumental in bringing boxing back to Chicago. This is something we are very proud of (showed a video of an event that was held in Chicago).

Mr. Tobar referred to the layout diagram for the setup of the event, safety is our big thing and we'll go over that with our volunteers of the do's and don'ts to look for, talked about exit and entrance points and gating the area off. There will be two police officers on hand with 25 volunteers who will be helping with seating and observing the crowd activity. Some of our volunteers are former police officers and current security specialist. We also have ensure to give the Fire Department a clear entrance to get inside the area should something happen. We want to draw visitors into the store and our fighters will be warming inside of the store; this will give visitors a behind the scenes look of what actually happens – something like a locker room before a fighter walks out to enter their match. This adds to making it a unique experience and a really fun show. We will work with our sound and stage experts to make sure when they install the PA monitor systems - they are contained and facing the store – north over Rt. 64. Crowd control safety is big for us. In all our years of experience we've not had any issues. The entire event will be barricaded with marked exits and containing everything right in front of the store. There will be plenty of parking in front and behind the store and store employees and volunteers will help to guide traffic.

Alcohol seems to be the hottest topic. Our goal is to provide a great experience. We've partner with Tony at Puebla who has all the certifications and BASSET training and he'll be handling the service of alcohol. We will band everyone 21 and older and there'll be a two-drink minimum per client and also we will be stopping drink service before the last match. The reason we are

asking for all ages is that it's an afternoon event and we want to make this a family event – not just some bar fight.

Chrmn. Turner: Have you reached out to Costco on this?

Mr. Tobar: It is our understanding that they are okay with this. Parking is being sustained to the front and back of the Harley Davidson store. We shouldn't infringe on their parking lots and it's our goal to keep everything north of their parking lots. We do not intend to interfere with their gas station or parking lot.

Ald. Bessner: You've done outdoor events, so what do you think the biggest obstacle is whether it's logistical or safety concerns with having an outdoor event?

Mr. Tobar: An outdoor is easier. Logistically buildings have codes and exits. By barricading an area and positioning your stuff around that – it's easier to do a quick evacuation if that is needed. The biggest obstacle is weather. Everything else is easy. We have a plan if it rains to put a canopy over the VIP area. To put a tent over the entire area will give it a carnival look which is not our intention to do that. We also intend on filming this event so the City of St. Charles will be showcased.

Ald. Bessner: How many attendees are you expecting?

Mr. Tobar: Anywhere from 800 to 1,000. Right now we're estimating 875.

Ald. Bessner: You are requesting all ages so that means alcohol will be purchased there and they'll be free to go anywhere within your perimeter?

Mr. Tobar: We'll have wristbands on everyone 21 or older and the reason for that is our goal is not to just come here and have quick ticket sales; our goal was to work with the City of St. Charles and local merchants and make sure we are bringing business into the store. It's not just about having an event, it's about having an experience and Fox River Harley Davidson was a good venue for us. It's like attending a baseball game; people have a beer and sit down in their seats. They don't want to miss any part of the event. We will have food also such as nachos, hotdogs, tacos, pizza slices, popcorn. For alcohol we are sticking with beer.

Ald. Bessner: Do you expect a lot of families with regards to younger children being present or is this more of an influx of 16 – 21 year olds?

Mr. Tobar: In the past its been more teenagers, but sometimes we like to open it up to the public because trainers or families may have a child so we like to open it up to the audience. MMA is one of the most growing, popular sports in the country right now, actually globally. We want to make this a family experience which is rare because these events are usually late at night. We are also reaching out to local karate schools to attend.

Ald. Bessner: I'm slightly intrigued by this but we've also had, in the past, three fights now and the first martial arts event we had indoors was 21 years or older and that was an alcohol concern as well. The second one was 18 years and older and I see us kind of going backwards. I just don't know where that should stop.

Mr. Tobar: There is a Plan B for us as we really want to get families involved. When we do our events it's not about how much alcohol we can sell, we want people to enjoy themselves responsibly and to have a good time.

Ald. Bessner: I'm not worried about a family with younger kids there if the parents or whoever is having a beer. It's more that 16 – 20 year old crowd that might be out there with the intentions of trying to purchase beverages.

Mr. Tobar: We've talked with other liquor venues in the area and asked them how many liquor violations have they had, what do you look for in serving alcohol; working with Tony of Puebla his staff are all BASSET certified and he has not had any liquor violations. We want a relationship to do business with someone who is wholesome and to put on a great event.

Ald. Lewis: You are also asking for amplification? What kinds of things will be over the loudspeakers?

Mr. Tobar: At events like this it's usually between matches and there is music and we announce our vendors who we are working with. There is no amplification during the fight – you will not be hearing screaming people. There is a sound stage with a DJ and there is a band that will open up the event. We face our monitors inward so we can control the travel of that decibel noise.

Ald. Lewis: I don't think White Sox Park and St. Charles are comparable. You don't have a comparable for another community such as Geneva, Batavia, West Chicago, or Bartlett?

Mr. Tobar: Our events are strong in Chicago.

Ald. Lewis: I have not supported this in the past for anyone under 21. It was passed for age 18 and I felt it needed to stay at 21. I am firm on that and also not in favor of this being an outdoor event.

Ald. Krieger: In reading your memo there are a number of violations for exceptions requested – is this true?

Chief Huffman: Yes. There's a number of issues that can be waived with advice and consent of the Council. One issue is the minors that will be allowed inside where the alcohol is being served. That can be waived through advice and consent of Council. The mixed martial arts event itself is prohibited except through resolution through the Council. The noise standard that we have here is actually 394 feet from the property line of Harley Davidson to the property line

of Fox Run Apartments; 60 decibels is the max that is allowed for this event. So that's another issue we are looking at.

Ald. Krieger: I have a great number of concerns and will be voting no.

Ald. Martin: As indicated earlier by the Mayor and numerous other people – I'm from old school and I don't see how this is family entertainment in any way and I concur with Ald. Lewis regarding the age limits getting younger and I can't handle that. Question where is says minors will not be allowed in the area reserved for alcohol consumption; are the alcohol consumers allowed to mingle with the minors? Is the alcohol confined to a certain area for the entire show?

Mr. Tobar: If we are to go that route, they would be contained to that area. The problem is giving the fan access to the store.

Ald. Martin: Ordinarily when we have family events there is a segregated roped area for alcohol consumption and they are not allowed outside of that area. I can't condone any outside of the area if there are going to be families there. I will be voting no.

Ald. Bancroft: Obviously you know your challenge is the alcohol and the outdoor. Members of my family are black belts and have been involved with the martial arts. I want to express its not the event itself that creates an issue. Once you layer the alcohol in and have minors is where it comes out here.

Mr. Tobar: There is a Plan B if the Council prefers that route. It's just for us to drive retail business into the store. As for the outdoors, the way that package was presented to you I think there was assumption made that the property line was going further. We are 300-400 further in from the property line so that contains that area a little bit more. The decibel level shouldn't be an issue. My voice right now as I am talking to you is at 70 decibels.

Ald. Lemke: I sense the concern and this is a concern for me, not for the sport, but for the younger and younger that if there were some age limit that has been done in the past, I would be more in favor of it.

Ald. Payleitner: To clarify, you did talk to Costco or you assume they would be okay with it?

Mr. Tobar: Harley Davidson has a good relationship with the Costco neighbors.

Ald. Payleitner: That's different then saying we're doing this in conjunction with your parking lot. If we required anyone from marathons to car shows that they come before us and say "yes we have talked to this person, and this person, etc." and they say its AOK. So I'm asking have you had a conversation with Costco?

Mr. Tobar: I myself have not had a conversation with Costco.

Ald. Payleitner: That's my concern as they have a right to give a voice on this. Secondly you said this is your inaugural MMA event. I really hesitate when something like this comes up in St. Charles and we have to be the guinea pig. Chief remind me, we've made previous promotion companies of this kind of thing jump through a million hoops and they gradually earned our respect and they came in with experience.

Chief Huffman: Correct but the difference is the event last year was at the Expo Center and was contained within, and as Ald. Lewis stated it was the age difference and the fact allowing minors to come in the stands with the fans who are drinking alcohol – we were able to manage that with the other events because that wasn't allowed.

Ald. Payleitner: I was impressed by your video and you seem like you have experience in the promotion department. Also did I hear you say there was a two-drink minimum?

Mr. Tobar: There is a two-drink purchase so someone can purchase two beers at a time.

Ald. Payleitner: Okay, that's different because I heard two-drink minimum which is requiring them to buy two drinks and that would be a violation of the happy hour law.

Mr. Tobar: No that is not the case.

Ald. Silkaitis: I don't have a problem with this. I'm not going to tell someone what is family entertainment. That's their decision, but the alcohol issue – you either make it 21 and over or it's anybody; because if you put it at 18, you are still under 21. I personally would have it over 21 – it makes it easier for everyone. The noise will be monitored and there will be St. Charles police monitoring the situation as well which will help monitor any liquor violations. It should be all family or 21 and over for alcohol.

Mr. Tobar: We don't have a problem with that at all. We simply wanted to ask the Council that we would like to make this a family event but we are prepared to switch it to 21 and over and everyone coming into that gate will be properly carded and if you're not 21 you can't come in.

Ald. Stellato: I would agree that 21 and over is a key point for me. For your background information there was a request for the Arcada to have a mixed martial arts event downtown and we turned that down because of the mixed bars in the area and it wasn't a good fit. We've allowed it in the past at the DuPage Expo Center and everything we've allowed has always been contained inside; so having the event outside is a little bit of concern, but it's not as big of a concern as the 21 and over which is key for me.

Ald. Bessner: What's your Plan B?

Mr. Tobar: Plan B is 21 and over and we were prepared for that, but we really wanted to ask for all ages.

Chrmn. Turner: 21 and over is what we want, but I'm really concern about having this outside on Randall Road on a Saturday afternoon between 3:00 - 7:00 p.m. I don't think this is good for the community, it doesn't look good, and I think people exiting that area at 7:00 p.m. after they have been drinking is something I don't want to deal with in this community.

You have on the agenda as this being a request but on the summary you have a recommendation to approve; so is this a recommendation to approve or is this just an information session?

Chief Huffman: From the Police Department it's a request for consideration of Phantom Fight Promotions. So we are looking for a recommendation to approve or deny?

Ald. Stellato: So you're looking for a vote tonight or are you looking for our input?

Chief Huffman: We are looking for a vote.

Ald. Lewis: One more question – if you go to 21 and over are you going to move it inside the building?

Mr. Tobar: No, the event will remain outside. The event is barricade and no one can get in or out unless you go through the mark entrance. That includes indoor and outdoor as that will all be barricaded off.

Motion by Ald. Lewis, second by Martin to deny the request for MMA event with amplification on June 12, 2014 at the Harley Davidson.

Ald. Stellato: Clarification – any time it's a negative motion to deny – a yes vote is denying the application. If it's not 21 and over as per this than I'm yes.

Ald. Lemke: Clarify the motion now.

Chrmn. Turner: Are you saying now this will be a 21 and over event?

Ald. Martin: I have before me a request for consideration for Phantom Fight Promotions for approval of the mixed martial arts event to take place at Fox River Harley Davidson as well as a Class E2 license and sound amplification permit. Your vote is to deny that request. My second is to deny that request. It has nothing to do with 21 or anything else – it's to deny the event.

Ald. Lewis: I guess what it says in here though is it's going to be 21 and over, but verbally Chief said they have changed that?

Ald. Stellato: Whatever we do tonight, it still has to go before City Council, so we'll have a chance to talk and get a clear direction. At this point I agree and stay with a yes vote on the denial to give you a chance to talk and work it out.

Chrmn. Turner: So in other words if this is denied, you'll have a chance at City Council to come back and give us your Plan B. At this point the motion is to deny – Tina call the roll.

Roll Call: Ayes: Stellato, Silkaitis, Payletiner, Lemke, Bancroft, Martin, Krieger, Bessner, Lewis; Nays: None. Chrmn. Turner did not vote as Chair. **Motion carried.**

- b. Recommendation to approve a Resolution Authorizing the Execution of a Law Enforcement Mutual Aid Agreement and the Existence and Formation of the Illinois Law Enforcement Alarm System by Intergovernmental Cooperation.**

Interim Police Chief Hufmman: Before you is request for a new Mutual Aid Agreement. St. Charles Police Department has been a member of the Illinois Law Enforcement Alarm System since 2004. The Illinois Law Enforcement Alarm System or ILEAS consist of over 900 law enforcement agencies that was established after the events of 9/11 to provide a state-wide law enforcement mutual aid response in the event of natural or man-made catastrophes. As a member of the agency we have at our disposal a vast number of officers and emergency equipment ready to respond at a moment's notice to assist St. Charles at no cost to the City. St. Charles Police Department is ready to respond in kind and we have two officers who are former members of our ILEAS mobile field force and ILEAS mass destruction response teams. The original mutual aid agreement that we entered into in 2004 has never been modified or updated. In 2014 ILEAS updated this agreement in the following manner. The clarity and intent that public agencies agreed on is to create ILEAS, the inclusion of the basic bylaws into the actual agreement, and the establishment of the minor process so that the agreement can be kept current without completely replacing it each time and improvement as necessary. Police Department recommends a request of approval of a Resolution to enter in the Mutual Aid Agreement through ILEAS.

Motion by Ald. Krieger, second Bessner to recommend approval of a Resolution Authorizing the Execution of a Law Enforcement Mutual Aid Agreement and the Existence and Formation of the Illinois Law Enforcement Alarm System by Intergovernmental Cooperation.

Voice Vote: Unanimous; Nays: None; Chrmn. Turner did not vote as Chairman. **Motion carried.**

6. Engineering Division

- a. Recommendation to approve Construction Service Agreement with Hardin Paving Services for the 2014 MFT Street Rehabilitation Project for an amount not to exceed \$1,713,317.**

Jim Bernahl: This is a follow-up from the last presentation I gave two months ago. These are the bid results for the MFT project. On April 17 we opened up five bids and the lowest bidder was Hardin Paving Services with an amount of \$1,713,317. Staff has checked the references of this contract and we feel that they will do an adequate job to get the work done. This contract is not only for the resurfacing of residential roads but also some patch work, some alleys, some

parking lots, and other small items. This is a combination. The original engineer's estimate was \$1,662,783. The asphalt numbers did come in and this equates for a lot of other items on top of that. There is some additional patching that is in here. When you grind a surface or roadway, we feel we'll be able to do that within the budgeted amount that we have. Staff makes recommendation to award the contract to Hardin Paving services for \$1,713,317 – not to exceed that amount.

Motion by Ald. Stellato, second by Krieger to recommend approval of a Construction Service Agreement with Hardin Paving Services for the 2014 MFT Street Rehabilitation Project for an amount not to exceed \$1,713,317.

Roll Call: Ayes: Stellato, Silkaitis, Payletiner, Lemke, Bancroft, Martin, Krieger, Bessner, Lewis; Nays: None. Chrmn. Turner did not vote as Chair. **Motion carried.**

7. Executive Session - None

- Personnel
- Pending Litigation
- Probable or Imminent Litigation
- Property Acquisition
- Collective Bargaining
- Review of Minutes of Executive Sessions

8. Additional Items

None.

Motion by Ald. Krieger, second by Bessner to adjourn meeting at 8:50 p.m.

Voice Vote: Unanimous; Nays: None. Chrmn. Turner did not vote as Chairman. **Motion carried.**