

TOWN OF FOUNTAIN HILLS
MINUTES OF THE REGULAR MEETING
OF THE FOUNTAIN HILLS TOWN COUNCIL
OCTOBER 7, 2025

A Regular Meeting of the Fountain Hills Town Council was convened at 16705 E. Avenue of the Fountains in open and public session at 5:30 p.m.

Members Present: Mayor Gerry M. Friedel; Councilmember Gayle Earle; Councilmember Brenda J. Kalivianakis; Councilmember Rick Watts; Vice Mayor Allen Skillicorn; Councilmember Peggy McMahon; Councilmember Hannah Larrabee

Staff Present: Town Manager Rachael Goodwin; Town Clerk Bevelyn Bender; Town Attorney Jennifer Wright



Post-Production File

Town of Fountain Hills
Fountain Hills Town Council Regular Meeting Minutes
October 7, 2025

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be a totally verbatim record of the proceedings.

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ALL: I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

MAYOR FRIEDEL: And remain standing, if you choose. Our invocator will be Ben Larrabee tonight.

LARRABEE: Hello, everyone. Mayor. Counsel. For tonight, I would like to read from Micah 6:8. "He has shown you, O man, what is good; and what does the Lord require of you; to do justly, to have -- to love mercy, and to walk humbly with your God?" If you'll bow your heads, if able.

Lord, I ask you tonight, at the anniversary of October 7th, to be with the victims of terrorism, and with their families in Israel and around the world. Lord, I ask you to guide our duly elected officials. Fill their minds with wisdom. Grant them the courage to rule justly, to carry themselves humbly, and may they show mercy in the positions you've appointed them. And as we pray, as you have taught us to pray, Our Father, who art in heaven, hallowed be thy Name, thy kingdom come, thy will be done, on earth as it is in heaven. Give us this day our daily bread. And forgive us of our trespasses, as we forgive those who trespass against us. For thine is the kingdom, and the power, and the glory, for ever and ever. Amen. Thank you.

MAYOR FRIEDEL: Town clerk, can I have roll call, please?

BENDER: Mayor Friedel?

MAYOR FRIEDEL: Present.

BENDER: Vice Mayor Skillicorn?

SKILLICORN: Here.

BENDER: Councilmember Earl?

EARLE: Here.

BENDER: Councilmember Kalivianakis?

KALIVIANAKIS: Here.

BENDER: Councilmember Watts?

WATTS: Here.

BENDER: Councilmember Larrabee?

LARRABEE: Here.

BENDER: Councilmember McMahon?

MCMAHON: Here.

BENDER: Mayor, you have a quorum.

MAYOR FRIEDEL: Thank you. Now we'll move on to reports by mayor and councilmembers. Town Manager Rachael?

GOODWIN: Thank you, Mayor. Counsel. Hello, everyone. I'm just going to give a couple of quick updates. One is regarding the storm system that is headed our way. We're due for quite a bit of rain it looks like again in the coming days. So just a reminder that -- to be safe, not drive through flooded areas and our washes. We just had quite a bit of rain last week, so we're a little -- we're a little soggy still out there. So if -- avoid drains and our culvert areas, and work to secure any outdoor furniture, trash cans, or -- like at my house, the flag. I forgot to take down, and it was gone. So reminder that the storm is coming, so please take precautions as necessary. Because of the storm, we've also had to reschedule our movie in the park that was scheduled for Friday. That has been rescheduled for November 14th. I also believe that Fountain Hills Days put on by our Chamber of Commerce has been postponed, so double check with them. I think that is now November 1st? 4th? 1st?

UNIDENTIFIED SPEAKER: November 1st.

GOODWIN: 1st? Okay. So yeah, double check with them. But I do believe I saw that that was rescheduled too, all because of this impending storm. And last but not least, we do have our Make a Difference Day coming up. That is October 18th. While -- hopefully, that is not rained out, but we are still taking volunteers, and I think the deadline to register is this Friday. So if you have the opportunity and the availability to join us, it is a great day of serving our neighbors and helping make an impact for those in need.

Thank you, Mayor.

MAYOR FRIEDEL: Thank you. Thank you. Councilwoman Earle?

EARLE: I will keep it really light tonight. If you haven't visited Haan Barbecue Grill [sic], it's a fun place to go. They have good food. And also, Snowbird Ice Cream is another new restaurant -- well, it's not quite a restaurant, but an ice cream shop that's opened. It's a great place to visit as well. Thanks.

MAYOR FRIEDEL: Councilperson Kalivianakis?

KALIVIANAKIS: Thank you, Mr. Mayor. Hello everybody, and welcome here tonight. Greetings to the people on Cox 11, YouTube, and joining us here, of course, live. It's your town. It's your government. It's important for you to be here. So thank you for coming.

Yes. Today is October 7th, 2025, and it is a most significant anniversary for all the bad reasons. It's the two-year mark of the 2023 Hamas attacks leveled against Israel, which initiated an ongoing war. Today is creating international attention, and we're focused on the solemn event, with many countries, many organizations remembering the victims. Here in Fountain Hills, we remember. Our hearts go out to the victims, their families, and the Jewish people.

This past week, I had a chance to travel Arizona. And I can just say, I love spending my time in Fountain Hills. But if you do have to go on a vacation, you don't have to get in an airplane, just go to anywhere in Arizona. We went to Prescott Valley, Sedona, and that whole northern section. It's just so beautiful up there. So you know, let's keep the business in the state. It's a great state to visit, and the beauty is just unimaginable. Yeah. I was also going to mention the November 1st postponement for the Fountain Hills Days, unfortunately, because of the weather. But when you do hopefully come by there, stop by. I got a booth there and you can say hi to Brenda K.

Make a Difference Day, again, is coming up soon too. And I think a lot of the people on this dais have -- are going to participate again this year. Last year, I filled in in lieu of Mayor Dickey and went to all the different sites and thanked all the participants. This year, I'm going to put on my work boots, and I'm going to join the Fountain Hills Fire Department, and we're going to do some landscaping. So looking forward to that. Fountain Hills -- I think, Gerry, you mentioned how many people volunteer often in this

town, and we're so blessed to have so many volunteers. So that's coming up and we're going to help some people get things done in their homes.

And then, of course, Spooky Blast coming up on the 25th from 5:00 to 8:00 at Four Peaks Park. Candy, inflatables, a DJ, science shows, costume contests, family-friendly event. And again, thanks to the parks department. Thanks to you, Rachael, for doing all this exciting stuff now that we have better weather. So that's my report. Thank you.

MAYOR FRIEDEL: Thank you. Councilman Watts?

WATTS: Thank you, Mayor. A fairly busy week. I was able to attend three different functions. One with GPEC. GPEC has a new CEO, so we had a board of directors meeting and met the new CEO. GPEC, if -- for those of you who don't know, really focuses on bringing businesses into the state. And what we hope to gain by attending is that we get some of the low hanging fruit, not the mega structures that are coming in, like the TSCM [sic], but some of the smaller opportunities. And so GPEC is a good resource for that.

The other thing was the Scottsdale REALTORS Association put on a meeting, Meet Your Lawmakers. Attended that luncheon and had a very informative after the fact conversation about housing and the state of the state. Very informative.

And also, the candlelight service, which I got to commend the organizers of that service. Beautiful service. So thank you. Thank you.

MAYOR FRIEDEL: Councilman Skillicorn?

SKILLICORN: Thank you, Mr. Mayor. Yeah, I did want to point out there's -- events are coming. This is event season here in Fountain Hills. I would like to point everyone to go onto the internet and to go to the Experience Fountain Hills website, even though the movie night is still scheduled for Friday there, but that's okay. We know better now that the weather is coming. But there's lots of events coming up. Of course, Spooky Blast was mentioned. The Phil's car shows are starting up again. So all that information and all the regular events are on the Experience Fountain Hills website or experiencefountainhills.org, so feel free to hop on there.

And then in light of, like, some of the things going on in our world, and just, you know,

personal reflection, you know, I've spent a lot of time reading and studying from Billy Graham the last couple of weeks. And one thing that he repeated in every single one of his sermons is his favorite verse, which is John 3:16. "For God so loved the world that He gave His only begotten Son, that whoever believeth in him should not perish, but have life everlasting." That's something that we all could hear right now. Thanks.

MAYOR FRIEDEL: Councilperson McMahon?

MCMAHON: Thank you very much. Good evening everybody. First, I want to congratulate the International Dark Sky Center for receiving the telescope. I think it's pretty awesome. It's a great addition. And I'm sure Ted Blank is so excited, and he's there probably 24/7 calibrating it. So it's pretty darn exciting. It's a big accomplishment.

Also, I've attended the Valley Metro Board Finance Committee meeting, the Maricopa County Association of Government's Local Jurisdiction Committee that is making positive change and supporting our communities.

Also, Oakwood Creative Care, they're a great organization. They're having a grand opening of their state-of-the-art facility in Chandler on the 20th of October, and it's open to the public. If you're interested in going, let me know. It's going to be a great resource for families on the journey with Alzheimer's or dementia.

And in addition, I attended our Save Our Youth Coalition Committee [sic]. And its Red -- excuse me, Red Ribbon Week for them on the 23rd through the 30th. And they're going to be having a big fair, and -- with a lot of vendors and activities for the kids to do. They will promote, you know, living alcohol and drug free. So it is a great event. They accomplish a lot with our youth. So I suggest you please do your best to try and attend. Thank you.

MAYOR FRIEDEL: Councilwoman Larrabee?

LARRABEE: Yes. Thank you. As stated before, Fountain Hills Day has been postponed to November 1st, so keep that in mind. Batten down the hatches for the storm coming in. And I do want to echo the sentiments of my fellow council members that these town events are so important. I think we all really need community right now and to lean on

each other. So please make sure that -- if you can't go to all of them, that's okay. But please show up to something that's going on soon. I think we all could use the happy occasions, so --

MAYOR FRIEDEL: Thank you. So as was mentioned before, we do remember and respect October 7th for what happened over in Israel.

I did have a coffee with the mayor, and the next one is scheduled for October 22nd, 9 o'clock at Georgie's. All are welcome. I attended the Ballet Under the Stars. It was a packed house. Probably two or three thousand people were there. I attended the State of The County with Chairman Galvin that was hosted by the Chamber of Commerce. The Elks Lodge held their grand opening on Saturday. There was about 150 or 160 people there, so that was quite an event. Good for them. You know, they do a lot of stuff in this community for youth and for the veterans. And they're a good partner for the town because they run our snack shop out at the concession stand out at the ball field, too. So we're very happy for that.

I recently shot a video for CAP, which is the Central Arizona Project. A couple things about that. That's Colorado River water. That water reaches 80 percent of the residents in the State of Arizona. They've got 300 miles of canal that that water goes through, and there's talk about us getting some serious cuts on that. So the mayors all got together and shot videos about how important that is for each community, the life stream and lifeblood of every community, economic development, all kinds of things. So I think 25 mayors across the East Valley have gotten together and shot videos for them on that. So it's really important. So we're staying on top of that because water is a big thing, especially in Arizona.

I did attend the Leadership Academy. They had a Meet your Government Day here at Town Hall. So we were all here for that. So good job by the staff putting -- organizing that and getting that put together. Like Councilman Watts, I attended the Scottsdale Area Association of RELATORS legislative meeting, and housing was something that was definitely on the agenda and talked about quite a bit. So we've got some work that they're doing on that for us. I attended the Oktoberfest this past weekend, two nights.

And I did get to tap the keg, which was kind of fun. And I have to say that the crowds were high. Very high. So they were very happy. Big turnout both nights, so it was a good deal. I did attend a birthday for a 95-year-old resident in town here; Iva Arlene, 95 years old. She had her birthday, so I stopped by and brought her a little flower bouquet. And she knows quite a bit about what's going on in this town, let me tell you. So she's been here a long time. I attended the Aid to Women's Shelter Gala [sic] that they had in Phoenix.

And as was mentioned, Make a Difference Day. We have over 450 volunteers on a regular basis that attend that event and help seniors, they help out the school district, they help out the town. So a lot of work gets done. I mean, piles of work get done. So that's really good. And again, as was mentioned, we are still looking for volunteers. And something I'm going to mention is the Mayor's Challenge this year for the Turkey Trot here in town. You know, we have the only parade on Thanksgiving west of the Mississippi is what I'm told.

WATTS: Is that so?

MAYOR FRIEDEL: Yes. So for the Mayor's Challenge, we run that Turkey Trot. It's a 5K run before the event -- before the parade. Anybody that beats the mayor -- I'm going to be the first mayor, I believe, in the history of the town to run that race. So anybody that beats me, you want to take a little bit of my money? I'm donating a dollar for every person that crosses the finish line before the mayor. I estimate there'll be about 500, because I'm --

[LAUGHTER]

MAYOR FRIEDEL: Because I'm -- because I'm old and slow. So anyway, it should be a great event. So we're hoping we get a big turnout. And I've got 13 people that have matched that challenge already. So MCO Realty, Pellegrini MCO, Good Living Greens, Discount Air, Good Food 4 The Soul [sic], an anonymous donor, Snap Fitness, Al and Sandi Meehan, Aquiline Pools, the Chamber of Commerce -- kudos to them -- Paul Perreault, and Dolores Trovato, and Crystal Cavanaugh have all decided to match whatever the mayor does. So you know, maybe I should stop just before the finish line

and let 100 more people go across. But anyway, it should be a -- it should be a fun event. So that's all I have to report. Thank you.

We'll move on now with our proclamations, and we'll start with Councilman Watts with the Fire Prevention Week.

WATTS: Thank you, Mayor. The recipient of this is obviously the fire department. And the person receiving this is Capt. Brian Golden, and I hope he's here. There he is. Thank you.

So Fire Prevention Week 2025. Whereas, the town of Fountain Hills is dedicated to public safety; and whereas, lithium-ion batteries and common household devices pose growing fire risks if misused and improperly charged; and whereas, residents are encouraged to buy certified products, charge safely, and recycle responsibly; and whereas, first responders continue to promote fire prevention and education. Now, therefore, on October 5th through the 11th, 2025 is hereby proclaimed Fire Prevention Week with the theme "Charge into Fire Safety: Lithium-Ion Batteries in Your Home". Thank you.

And Captain, if you can come forward, please.

[LAUGHTER]

GOLDEN: You weren't lying, were you?

WATTS: Test.

[LAUGHTER]

GOLDEN: Yeah. Thank you for that. Ion batteries, that's a whole new animal to us, right? (Audio interference). That doesn't work much. And (audio interference). Yeah. So the lithiums are all the Teslas and the (audio interference) bikes. I mean, the list goes on and on. The biggest component to that or trouble is defective batteries, overcharging, or overheating. Thank you.

MAYOR FRIEDEL: Our next proclamation, Brenda?

KALIVIANAKIS: Thank you, Mr. Mayor. And I also want to thank you for putting me on the Domestic Violence Committee. I really appreciate that assignment. I also want to just call special attention to Mike Pelton, our public relations officer, for doing a

domestic violence video calling attention to the resources that are available to people that are affected by this. And also, one other note before I read the proclamation is that town hall will be purple tonight, and the fountain is purple as well, in recognition of Domestic Violence Month awareness.

And so the proclamation reads as follows: "Domestic Violence Awareness Month proclamation. Whereas, a home should be a safe place for safety and love, yet many Americans suffer the tragedy of domestic violence. And whereas, domestic violence affects people of all ages, contributes to homelessness, and leaves lasting scars on families and the victims. Whereas, law enforcement, service providers, community members work tirelessly to prevent abuse and support those survivors. So now I therefore, Mayor Gerry Friedel, Mayor of Fountain Hills, do proclaim October 2025 as Domestic Violence Awareness Month."

And this month on this we have receiving the Domestic Violence Awareness, Amy St. Peter. Amy is the deputy executive director of the Maricopa Association of Governments -- MAG, we call it -- and the director of Community Initiatives. Thank you, Amy, for all the work you do, and for -- thank you for joining us tonight.

UNIDENTIFIED SPEAKER: It's right there on the table.

KALIVIANAKIS: Oh, is that -- okay. Hello, hello. Okay. There you go. Would you like to --

ST. PETER: Thank you. Thank you.

UNIDENTIFIED SPEAKER: Here, I'll take the mic first just to first get a photo, and then --

ST. PETER: Good evening. Thank you so much. I'd like to commend you, the Mayor and council, for your leadership in this very critical area. Domestic violence does not respect race, income, religion, your geography. We see domestic violence truly in every community. It unfortunately takes many forms, many insidious forms. Often people equate domestic violence with the physical abuse, but it's also emotional abuse, financial abuse, verbal abuse. It's many things that leave deep, deep scars that no one else can see. So it's so important to have Domestic Violence Awareness Month because we're not just raising awareness. We're letting people know that we acknowledge that

domestic violence exists, and we're committed to ending it for every single person. It makes it okay for people to reach out for help. It lets them know that help is available, and that we are committed to ensuring that people can access that help when they need it the most. When we see people leaving domestic violence scenarios, often it's based on need as well as opportunity. And by being aware of domestic violence, we can address the need, and we can create opportunities to find safety and dignity in every single community. So thank you so much for all that you do to keep people safe, and to help bring people to safety, and to deliver justice when that occurs. Thank you very much. Thank you.

KALIVIANAKIS: Thanks for coming.

MAYOR FRIEDEL: And Hannah Larrabee is going to read the Breast Cancer Awareness.

LARRABEE: We are declaring October as Breast Cancer Awareness Month. You may be aware to wear pink during this month, as well. So pink and purples are our colors.

"Whereas, breast cancer is the most common cancer among women, affecting one in eight during their lifetime. And though rare, also impacts men. And whereas, early detection, regular screenings, and timely treatment significantly improve survival rates. And whereas, October is recognized worldwide as Breast Cancer Awareness Month, honoring survivors, supporting those affected, remembering those lost, and promoting education and research. Now, therefore, Gerry Friedel, Mayor of the Town of Fountain Hills, Arizona, does hereby proclaim October 2025 as Breast Cancer Awareness Month, and encourages all citizens to raise awareness, support research, and promote early detection in the fight against breast cancer." I don't believe we have anyone to accept this proclamation tonight, but thank you to everyone, and please remember your pink.

MAYOR FRIEDEL: Councilwoman Earle will be doing the proclamation for Community Planning Month.

EARLE: So the Community Planning Month proclamation is, "Whereas, change affects all communities, and planning helps guide this change. And whereas, planning allows residents and officials to shape the future of their community. And whereas, October is National Community Planning Month recognizing the work of planners and volunteers.

Now, therefore, Gerry Friedel, Mayor of Fountain Hills, proclaims October as Community Planning Month, and encourage all residents to acknowledge the contributions of our community planners." I'll be presenting this to Farhad.

TAVASSOLI: Just a few sentences long. So good evening. Community Planning Month is a time to recognize the work that goes into shaping the places we call home. Planning is about listening, balancing today's needs and tomorrow's opportunities, and making choices that strengthen our shared future. Let's take a moment to thank everyone, planners, leaders, and residents, who contribute their time and vision. Together, we're building communities that reflect both our history and our hopes. Thanks.

EARLE: Thank you.

MAYOR FRIEDEL: Thank you all. Now we'll move on to the call to the public. Town Clerk, do you have any speaker cards?

BENDER: Mayor, I do. Can I clarify something real quick?

MAYOR FRIEDEL: Sure.

BENDER: Art, you wrote special meeting. Did you mean for -- this for tomorrow?

UNIDENTIFIED SPEAKER: Are you going to have the call to public tomorrow?

BENDER: No.

UNIDENTIFIED SPEAKER: Okay.

BENDER: You want to call today?

UNIDENTIFIED SPEAKER: Yeah.

BENDER: Okay.

Mayor, we have six cards.

MAYOR FRIEDEL: Okay.

BENDER: First speaker is Wendy Dacal, followed by Cecil Yates.

DACAL: Good evening. My name is Wendy Dacal. I'm a 22 year resident of Fountain Hills. Love the town. And I'm so grateful that, at least at this point in time, I still have the right to free speech. The idea of naming our community center after Charlie Kirk is abhorrent to me. These are some reasons. Charlie Kirk said he would have his then 10-year-old daughter carry a pregnancy full term if she were to become pregnant. He said

gun deaths are acceptable in order to have a Second Amendment to protect our other rights. So does that mean his own, I wonder? He called transgender identity a mental disease needing brain treatment. Women should submit to their husband's control. He called Martin Luther King, Jr., a myth, and that the 1964 Civil Rights Act was a huge mistake. Gay people should be stoned to death.

UNIDENTIFIED SPEAKER: Lie.

LARRABEE: Woah, no.

DACAL: He advocated for public televised executions, even for children to watch.

LARRABEE: Mayor, point of order. What does this have to do with the town?

DACAL: In fact, he said -- I saw him say this. I want to see someone get their head chopped off.

LARRABEE: This is not true.

DACAL: I saw it. I saw his lips moving and say that. I'm -- I have a right to say this.

MAYOR FRIEDEL: This isn't directly related to the town. I'm sorry. I can't have you continue.

DACAL: It is related to the town.

MAYOR FRIEDEL: No, it's not.

DACAL: Yes. The community center is supposedly going to be named after him.

MAYOR FRIEDEL: You made your point about the naming of the community center. The rest of it is not related to the town.

DACAL: Okay. Well, I'm not done. I have three minutes. Charlie Kirk also said that you should be allowed to say outrageous things. Along those lines, Mr. Skillicorn's outrageous thing is to decide that it's a great idea to name the community center after him. Just because someone is killed doesn't mean they deserve to be remembered as a great man if they weren't. I don't understand why anyone would even take a suggestion from Mr. Skillicorn, because he doesn't have much credibility or respectability in my opinion, and -- somebody with ethic charges in Illinois and here. He has no right, I don't think, to even think about this. So I'm saying, hell no. Leave our community center alone. It's not a political puppet for you. And by the way, were there other -- were their

other names considered? Did we think about Hitler or Epstein?

UNIDENTIFIED SPEAKER: Oh, come on.

UNIDENTIFIED SPEAKER: Are you kidding me?

MAYOR FRIEDEL: Next speaker, please.

YATES: Mine will be considered comical compared to that. Good evening, Mayor and council. My name is Cecil Yates, 21 year resident. Previous Planning & Zoning Commissioner, Town Council Member, Previous Commissioner on the Arizona Department of Real Estate as a subject matter expert. I've had my real estate license and broker's license for about 20 years. I am the executive vice president of Shea Connelly Development. We are award-winning developers, master builders, and Bart Shea is the first human being to do a deal with the Catholic diocese in the history of the Catholic Church to build senior housing on parish grounds. I share our backgrounds not to be brash or braggart, but to come to you as not only a constituent, but as a business entity trying to complete the downtown development of Fountain Hills. We are developers with a unique and extensive expertise with the commercial and residential real estate industry.

Some quick background on Park Place Phase 1. As you may know, that development, we paid \$1.2 million in material sales tax to the town, and consistently pay over \$500,000 between all the different taxes and retail that's created. Phase 2 and 3 will be very similar. As we've all heard before, time kills all deals. Lenders lend based on low mitigated risk. Requesting an unnecessary update to a developer's agreement is adding bureaucracy and hurdles that continue to hinder our ability to successfully close a loan with our financial partner.

All of you have campaigned on the idea of being goal-oriented, pro-business, business-friendly, against bureaucracy, et cetera, but your actions contradict some of your words. I realize that you're being advised by some of your staff, not only to not speak with us, and that the DA must be updated. It's simply not true.

As a reminder, our project plans were drawn by architects, engineers, and various construction consultants to ensure that the project was designed not only to code, but

to the specifications of the developer's agreement. I bring this up to remind you that we cannot build the project without following the developer's agreement. Requesting that the developer's agreement be updated, renegotiated, or resolved is not necessary. I'm going to read some sections of the estoppel agreement, which kind of doubles down on the fact that we have to follow the developer's agreement.

"To the best of the undersigns knowledge, there is no existing breach or default by the developer in the performance of its obligation under the developer's agreement. The developer obtained permits for the construction of buildings B, E, and F, prior to the DA extension deadline -- prior to the DA extension deadline, and therefore the developer is allowed to proceed with the development of Phase 2 and 3 on the property in accordance with the developer's agreement."

Anyway, due to the delays in obtaining our permits, we are now on our third project funding extension with our present financial partner. Please remember that time kills all deals. I'm simply asking tomorrow when we discuss this more, issue the permits as requested. We're meeting all the criteria of the developer's agreement. We'll build it to the developer's agreement. And if there are any changes requested, we have to come in front of you anyway. So you've got everything on your side. Thank you very much.

BENDER: Kimberley Bartman, followed by Shelby Bleeker [sic].

BARTMAN: It must have been hard for those of you who experienced the loss of your friend and your coworker. So I understand how much it must have been difficult that day to come to the meeting. Kudos to you that you showed up. You could have easily stayed home and taken time off and people would have understood. So kudos to you guys for that.

Speaking about religion, I understand we have the invocation and anyone of any faith can come and speak. But this person from Christ Church that spoke, she actually had time before the prayer to talk. And I wonder if people from now on -- Muslims, you know, Baha'i, other people, humanists will be able to speak before they pray as well. I just think it's a bad precedent. Prayer from the dais or also expressing your religious beliefs, it marginalizes -- sorry -- nonbelievers and religious minorities. When council

meetings open with a prayer -- which we agree that that's okay. But if you include religious statements from the dais, citizens who are not part of the majority faith or who are not religious can feel excluded and marginalized.

The government's role is to serve all citizens, regardless of their beliefs. This prayer and speaking your religious views -- injecting those religion [sic] into partisan politics can stifle productive debate and exacerbate divisions in the community. Instead of focusing on secular matters that affect all citizens, discussions can become sidetracked by religious and moral disagreements. A town council's mission is to handle the civic affairs of the community. Arguments against religious statements suggest the council should concentrate on its civic duties and leave religious matters to the private conscious of -- conscience of individuals.

A council member's speech crosses a line if it appears to be government endorsed of a particular religion, or if the member attempts to coerce or influence others to adopt their beliefs. For example, a council member cannot pressure or require constituents to profess a belief in Jesus, and this is what I felt from listening to the meeting last time. And anybody else wants to watch that meeting, you can watch it from the start to minute 18:45 and see what was not quite right. Also, blaming liberals in some of that speech was awful.

And I know I need to go. So the final part is may you all support all Fountain Hill citizens. You took an oath to serve us all. May we all uplift our town, work to sustain this beautiful community that we all love. How lucky we are to live in Fountain Hills. And please volunteer for Make a Difference Day. Thank you.

UNIDENTIFIED SPEAKER: The poster.

BARTMAN: Oh. And Ronald Reagan said we established religion in this country --
[LAUGHTER]

BLEEKER: Hello, Mayor, council members, staff. Shelby Blecher, Fountain Hills resident. File these comments under better late than never. Bloody nose and a black eye. That's how some of you wish to make our town appear to the outside world. Betsy LaVoie does everything she can to make the town look like a Hallmark movie. Progressive

politics and gotcha politics by a few of our council members, joined in and encouraged by some of our residents, are doing their best job trying to destroy that image.

So what am I talking about? Let me share. I recently read an article that called the process involved to select our new town attorney the biggest -- quote, "The biggest scandal perpetrated on our town since incorporation", unquote. Really? Exploring options to help protect defend the town budget is a scandal?

Another quote, "We have the opportunity to choose the best, a large law firm that is objective and unbiased." This is in regards to possibly choosing Dickinson Wright to represent the town. So let me share some facts with you. Los Angeles has a city attorney's office that has 500 plus attorneys and a staff of nearly 1,000 legal professionals. It's headed by a woman, who's a friend of mine, who was a partner in a law firm that has 12 locations around the world and a boatload of attorneys. Now with all this firepower and experience, the city attorney still found it necessary to hire outside counsel to defend the City of LA recently. My point is, if the City of LA can hire outside counsel when needed, so can Fountain Hills. We don't need the big multi-office high-dollar law firm to defend this town; a small firm committed to our town suits me just fine.

Something else about Dixon -- Dickinson Wright that gave me pause is their -- is that they pride themselves on their DEI and ESG policies. What that means to me is that every piece of advice that they have made provided to us would be painted with both of those internal initiatives of that firm. But equally troubling to me is their pro bono work, and maybe, just maybe why they were defended as the best choice for Fountain Hills by a few of our council members. Listed on their pro bono page is their proud work for the Transgender Name Change Project that provides free legal name change services to low-income transgender people. I doubt there's any connection here, but who knows? Is it scandalous? Maybe. Maybe not.

So let's not throw stones while living in glass houses. Let's take a lesson from another small town. A small town in the Midwest that was on the news during the last presidential campaign. The residents had a code they lived by. Disagree on politics,

that's okay. But keep it inside the town. It's always going to be family first, followed by what's best for the town, followed by defending the country. Let's see if we can't get Fountain Hills back to doing that -- the same.

Yes, the town may have some bruises now. Let's hope cooler heads prevail before the next election, or I'll be working my behind off to see changes in the dais that the majority of the town wants. Town first, people. And I'm not offended by any of your religious comments, and I'm not a religious man.

BENDER: Crystal Cavanaugh, followed by Art Tolis.

CAVANAUGH: Good evening. Crystal Cavanaugh, resident. I'm one of several who did receive an email today from Mr. Yates that requested support for the Park Place construction permits. I do support the completion of the project. In fact, I have not met anyone who doesn't want this fence dirt lot completed with an attractive building.

However, the situation might just be a bit more complicated than we all know.

In defense of the town, there was indeed another option offered on September 23rd that was not mentioned in his email. I know this because I was smack dab in the middle of the discussion after Cecil called me with concerns. He wanted he and Bart to meet with council members. He felt the town attorney actually wanted them to sue the town because she requested they bring an attorney and they didn't want to. I said, I doubt she wants you to sue the town. We had further discussion. Mr. Yates was not having direct discussion with council members, as Jen Wright was representing the council position. But I asked some questions to Mayor Friedel about steps for a meeting.

And after a series of back-and-forth phone calls, Mr. Yates agreed to follow very specific terms. He and Bart were to have their attorney initiate contact with Jen Wright to set it up. Those at the meeting were to be Mr. Shea, Mr. Yates, the attorney of their choice, the town attorney, and Mayor Friedel, who would serve as a witness to the discussion since Mr. Yates had concerns about information being communicated accurately to the rest of the council in any upcoming executive sessions. Although additional council members were desired by Mr. Yates to be in the meeting, it was made crystal clear that no other council members would be president -- present at the initial meeting, and it

was crystal clear that their attorney was the one that needed to make contact with Town Attorney Jen Wright.

However, immediately following our phone conversation, Mr. Yates, not their attorney, sent an email to the town attorney, town manager, and entire council. I know this because he sent me a copy. He stated, "Ms. Wright, it has come to my attention that you will have a business meeting with us and invite the mayor, plus two other council members of -- two other members of counsel and any staff needed to discuss the following items." This was not at all what was agreed upon just one minute prior. I took those calls and communicated information in good faith.

So while I really do support the completion of this project, why immediately change the agreed upon terms? And why have so much resistance to having one's own attorney in there to protect your interests or address any legal issues that could arise? Following the terms would get both sides in the same room to work out whatever issues are interfering with getting this done. Just quit playing games and twisting narratives. There's already community support. Meet with the respective attorneys to figure this out or go ahead and air it all out in a public setting. Thank you.

BENDER: Art Tolis, and the last speaker is Dori Wittrig.

TOLIS: Good evening, Mayor. Good evening, council. Bev, good evening. Nice to see you back as town clerk. I was surprised when I walked in the door. I said, wow, Bev's back. Fantastic.

I'm here two reasons. One, I want to speak on -- in regards to the community center and the community center fees for nonprofits, which is on the agenda tonight. And I want to encourage the council to be --

MAYOR FRIEDEL: If it's an agenda item, you can't speak on it in the call of the public, Art. Sorry.

TOLIS: Oh. Huh?

BENDER: You have this marked for two items. Call to the public, and then 9B.

TOLIS: Well, I was going to hit them both at the same time. Okay. So let me move to the special meeting tomorrow evening with the -- Shea Connelly and the downtown

development. I'm also involved in -- I hear and read all of these emails, and I am in full support of doing everything possible to improve the downtown. Of course, this was passed by a former council, and that development agreement had already been approved. I couldn't agree with Cecil's sentiments in regards to the lending world and how sensitive these topics are that you're discussing. One of which that hasn't been brought up this evening in the call to the public in regards to this conversation tomorrow, but is in regards to how you would potentially restrict offices in that downtown area. While I think that's a great idea. In principle, it adversely affects any lender looking at a project, and the viability of the project as a whole financially. So as we continue to build out the downtown, I would recommend that you do everything you possibly can to move forward and to approve these permits so that they can get going on this. And allow this to evolve. You look what happened to Phase 1. Now we're essentially at, I believe, 100 percent occupancy on the commercial. And as those commercial businesses change over, and we've seen that happen, you may organically see a lot of these entertainment type of venues start to come into the community to create that entertainment district that we want. And that will contribute to our sales tax revenues, and just the options for people in the community. So thank you for your time, and I encourage everyone to do everything you can to get that passed tomorrow so they can move forward. Thank you.

WHITTRIG: Good evening. My name is Dori Whittrig. I am a 40 year resident, and a 40 year -- 40 year realtor in our community. I am the president of the Fountain Hills Community Foundation, and the past president of the Fountain Hills Cultural & Civic Association, and a past chair of the program that allowed us, in 2016, Vision Fountain Hills, to understand what our community wanted. And what our community wanted was buildings like I have across the street from my office. I sit up in my office, and I look at that beautiful building, and I look at the people that are walking their dogs. I see the businesses. I know that Shea Connelly worked really hard to get a lot of those businesses into those buildings. Businesses that probably couldn't afford to be there, but I know they worked hard with them to make sure that they could get in the building,

fill it up, and make it a vibrant community.

But there are other things that Shea Connelly and Bart Shea have done for our community. And I think it's important that we all understand that, number one, Phase 1 and 2 were great. Phase 3 will be great. But in addition, Mr. Bart -- or Mr. Shea has also supported our community with hundreds of thousands of dollars in support of things like the Rotary Music Park; Fountain Hills Theater building; the Fountain of Light statue out here, that was at least \$50,000 or more that he contributed to that; The Dark Sky Center, he's helped a lot; he helped build the first community garden; and he supports veterans associations, the Rotary Club, the Kiwanis Club, and many others.

In fact, he's contributed more than many people individually in our community have done ever. And I think he should be given some credit for his position here in our community. I'd also like to point out that he helped build -- was responsible for building MorningStar, one of the senior communities that we have today, and we need it in this area. And building those types of projects is not easy in a small community. It not only takes a great developer, it takes a lot of financing, it takes a lot of effort. It's a lot easier to do it in a big community, into Phoenix and Scottsdale. It's not easy in Fountain Hills. These emails have been going back and forth, and I've seen them as well. I think it's time just to stop the posturing. The project was already approved. Let's move it forward. We've got a beautiful corner. We have a beautiful community. Let's finish it up. Thanks so much.

BENDER: Mayor, we had one last card. Do you want --

MAYOR FRIEDEL: Sure.

BENDER: Boe James?

JAMES: I'm Boe James, a 20 year resident of the community, and I like what I heard Dori say. I agree with just about everything she said. Bart's been a great addition to this town and supported a lot of efforts. And I hope we can wrap this up, because that will be a great building when it's finally done. Thank you.

BENDER: That's it.

MAYOR FRIEDEL: That's it? Thank you. We'll move on to our consent agenda. Can I get

a motion?

KALIVIANAKIS: Motion to approve the consent agenda?

MCMAHON: Second.

MAYOR FRIEDEL: We have a motion and a second. Can we get a roll call, please?

BENDER: Councilmember Watts?

WATTS: Aye.

BENDER: Councilmember McMahan?

MCMAHON: Aye.

BENDER: Councilmember Kalivianakis?

KALIVIANAKIS: Aye.

BENDER: Councilmember Earle?

EARLE: Aye.

BENDER: Councilmember Larrabee?

LARRABEE: Aye.

BENDER: Vice Mayor Skillicorn?

SKILLICORN: Yes.

BENDER: And Mayor Friedel?

MAYOR FRIEDEL: Aye.

BENDER: Mayor, 7-0.

MAYOR FRIEDEL: Thank you. Moving on to our regular agenda. We've got our first, 9A is relating to the First Amendment to Cooperative Purchasing Agreement.

Town Manager?

GOODWIN: Thank you, Mayor. Director Weldy's going to walk us through this purchase and this contract regarding our HVAC system here.

WELDY: Good evening, Mayor, and council. Thank you for the opportunity. This amendment tonight is simply to cover the outlying balance of this year, and the next few months leading into that while we look at other opportunities for the same type of service. We're not asking for any more money. We have plenty alleged -- allocated in the budget. We are simply just asking that this contract be amended to allow us to

spend some of that money to continue to do work. And once again, we are looking at different options as we move forward because the market has opened up substantially. The underlying agreements that we historically use have several other vendors listed at this time. So it's a simple amendment to allow us to spend some additional cash to continue to do maintenance.

MAYOR FRIEDEL: Any comment cards, Town Clerk?

GOODWIN: No, Mayor.

MAYOR FRIEDEL: No? Any questions from council? Councilman Watts?

WELDY: Excuse me.

WATTS: Bless you.

WELDY: Thank you.

WATTS: So along those lines, you said we've got a couple of other options and we're going to explore those options -- alternate contractors, providers other than Mesa -- at some point in the future.?

WELDY: Mr. Mayor, yes. Councilmember Watts, we are currently reviewing existing contracts with other vendors for the exact same services, but with what appears to be lower rates in regards to the standard maintenance or programmed maintenance, on-call and emergency fees.

WATTS: And that RFP has been produced by our Procurement Department already?

WELDY: No, Councilmember. This underlying agreement is actually through the State of Arizona. They went through the request for proposal process for this type of service.

WATTS: But at some point, we'll do the RFP and open it up to alternate contractors?

WELDY: If the direction from the mayor and council is for us to do our own request for proposals, we certainly will. What we have learned in the past is because we are a smaller entity, that we don't attract the same type of solicitors that would typically go after the state contracts, or multi-state or county contracts. But if the direction of the mayor and council is for us to prepare and release our own, we certainly will do that.

WATTS: So the uniqueness of the chiller systems that we've got limit somewhat the type of contractor that we can engage. And I know that Mesa is a good contractor. I

just want to validate whether or not their pricing is in line with what we can expect locally maybe. So that's the reason for my question. If we get an RFP and we open it up to alternate providers, there's only a handful in town that are able to do the work that Mesa can do right now. So I'll look forward to seeing an RFP for that at some point. Thanks.

WELDY: Understood.

MAYOR FRIEDEL: Vice Mayor?

SKILLICORN: Thank you, Mr. Mayor. And Mr. Mayor -- Director, I'm curious of the timeline of seeking alternate bids in comparison to this. Is there an urgency that this must be approved before procurement can work on alternate bids?

WELDY: Mr. Mayor, Vice Mayor, no. There is not a limited time frame. What we are currently reviewing is the bidding process of the State of Arizona. It's an incredibly long submittal with lots of unit pricing. And so we are communicating with the other selected vendors on that list that are approved to do work as they go over our programmed maintenance, and also preventative maintenance that we may need on call and emergency. So the contract already exists that we're reviewing with the state. In regards to our own solicitation, probably be in the spring, but before summer of 2027. Again, if that's the direction the mayor and council would like to go.

SKILLICORN: Thank you. Mr. Mayor, if you'd entertain a motion, I'd like to make a motion to approve with the direction that this spring we're working on procurement bids for the -- for these services.

WATTS: I got another question.

MAYOR FRIEDEL: Before you get a second, I think Councilman Watts has another question.

WATTS: And just so I'm clear on this, Mesa is going to continue honoring their existing contract for labor and materials for the duration until we get to some point in the future?

WELDY: Mr. Mayor, Councilmember, that is correct. They're honoring their fee schedule.

WATTS: Thank you. Then I would second the motion.

MAYOR FRIEDEL: Okay. Councilwoman McMahon?

MCMAHON: Thank you very much. Justin, this isn't an unusual practice, right? You're trying to take advantage, it says here, to obtain the State contract pricing?

WELDY: Mr. Mayor, Councilmember, that is correct. We are taking advantage of the fact that the State, and their 150 employees versus our one, already did the solicitation, the bidding, the negotiating, the line items.

MCMAHON: So basically, it sounds -- I'm doing my best to understand it. It sounds to me like you're working with the State because they've already done the bidding, and you want to piggyback and utilize their contract to get the best cost possible?

WELDY: That is correct.

MCMAHON: Okay. So I guess I'm asking why do we need -- I'm just asking, is additional bidding necessary, or are we just -- right here, are we just okaying it to provide more money and you're still going to open up bidding, or -- could you please clarify that for me?

WELDY: What we're asking for tonight, Mayor and council, is that the amendment to this contract be approved. It allows us to use the already allocated budget to continue to do maintenance. This contract, with all other contracts that we utilize for all the different types of services, we look at our options throughout the year, and especially whenever the State agreements are nearing their term end, we always look at those. If it is advantageous to the town to release their own request for proposals, or request for qualifications, or an invitation for bids, we certainly do that.

MCMAHON: Okay. So you're asking for an amendment to utilize budgeted money in this contract?

WELDY: Yes.

MCMAHON: That's all you're asking for right now?

WELDY: Correct.

MCMAHON: Well, I'd make a -- there's a motion on the table, but I'd like to amend that motion to just approve -- to approve the request. The Amendment Number 1 to the

Cooperative Purchasing Agreement, that's all you're asking for right now?

WELDY: Correct.

MAYOR FRIEDEL: We have a motion already. Vice Mayor, is your motion any -- how different, or are you willing to just go ahead with this? Amend your motion to go ahead with the approval?

SKILLICORN: Mr. Mayor, I think it's the role of this body to direct staff on this particular matter. And I think directing them to put this out to bid this spring is a fair and valid direction.

MCMAHON: But that's not what he's asking. And the --

MAYOR FRIEDEL: Councilman Watts?

WATTS: If I can address Councilman Skillicorn and McMahon. I think without seeing the results of what the State provides us, we should at least put in front of the council that we're going to move forward with the approval of the funds that have already been allocated. But if we don't like what the State has done and we think that there's alternates, then we will proceed with our own RFP, and solicit other contractors other than what the State has suggested, because we don't know what the results of their recommendations are going to be yet. So that's kind of how I would look at it.

MCMAHON: But isn't that still two different things that we're talking about? I mean, we're allowing -- we're allocating \$100,000 for an amendment, but it's not like he's not going to do -- have bidding or anything like that. And if anything changes or whatever, we come -- later come back to council is my understanding. I mean, he's asking for an amendment to have \$100,000 allocated.

MAYOR FRIEDEL: I don't think this needs to be this complicated.

MCMAHON: I don't either.

MAYOR FRIEDEL: I think we need to approve what we've got here. And then Justin is going to do the due diligence when that contract comes due with the State. And you're going to be looking for alternatives. If there's better ones out there, you're going to bring that to us; is that correct?

WELDY: Mr. Mayor, we are currently doing that.

MAYOR FRIEDEL: Yeah.

WELDY: We just need the ability to respond and continue to do maintenance while we do so.

MCMAHON: Okay. Yeah.

MAYOR FRIEDEL: All right. So we're all on the same page. Does that make sense to everybody up here?

MCMAHON: So does my motion stand, or need a second, or do you want me to remake the motion, or what?

MAYOR FRIEDEL: I'm wondering if Vice Mayor's going to amend his motion to just what we have here because they're doing that work right now as we speak.

SKILLICORN: Amending the motion we're effectively directing staff to not seek bids, and I don't think that's the -- what this body is -- wants -- the intent of this body. I mean, it -- it's -- it sounds like it's just codifying what staff already plans on doing. So I think the -- I think the motion is wholly appropriate. I mean, if we want to -- if we want to vote on amending the motion, that's fine. I haven't heard a second for the amendment either anyway, so -- I mean, effectively that would be directing staff not to bid. I mean, that's what that amendment would be, so --

WATTS: But we'd still see it. It comes back to us --

MAYOR FRIEDEL: Town Manager?

GOODWIN: I just want to clarify, because it sounds like there's a little bit of confusion. The bidding has happened. It just happened at a state level. The bidding -- they did the RFP, they went through all of the process, the same processes that we would go through on a much broader scale. We just have the advantage of piggybacking on what they've already done. So if the council directs us to go out and do a secondary RFP, it's a duplication of those efforts at a more local level. So just to be clear, the procurement process has been followed. We are simply taking advantage of that work that's already been done. So just to clarify that.

MAYOR FRIEDEL: And I'm good with that. We've -- the work's been done already, so -- you had your -- Vice Mayor, you had your motion. Was there a second to that?

SKILLICORN: Yeah.

WATTS: There was. I did.

MAYOR FRIEDEL: Oh, do you want to stand with that, or do you --

WATTS: I think my only concern is we haven't seen the results of what the State has done. So if -- moving forward, I want to approve this so that we can remain engaged with Mesa. But I also want to make sure that whatever the State has done fits within our guidelines, our budget, and there's maybe not alternates. Did they limit it to the number of providers that they've talk to? We don't know the data yet. Do you -- Director, do you know the data from the State?

WELDY: Mr. Mayor, Councilmember, yes. So the underlying agreement is attached to my staff report. So that entire solicitation process is listed as the underlying agreement. So all of the conditions are in the staff report and attached to thereto.

WATTS: Including bidders?

WELDY: Yes.

WATTS: Okay.

MAYOR FRIEDEL: Councilwoman?

LARRABEE: I just -- I wanted to provide something that might make both parties happy. I agree, the conversation got a little over complicated. This motion, however, I concur with in that we do not know the results from the State yet. And therefore, what if we have a very small amendment to the motion, which I would be proposing that we are motioning to approve, and we are giving direction for the staff to come back to council once we have received that information from the State. Therefore, we are not necessarily automatically putting it out for a second round of RFP if we are happy with what the State gave us. But then if we are not happy with what the State has done and we want to put it to our own RFP, we have the ability to do so. This does not bind our hands, but it does still allow us to have that oversight that I think some of the council members are looking for. Am I maybe understanding both sides?

WELDY: If I may add some additional information, and perhaps I wasn't clear in the beginning, we are looking at the other contractors that are currently listed on the State

agreement. Each one of those contractors we reach out to and we give them our scope of work, our preventative maintenance, and we ask for emergency after-hours work and response time. Currently, Mesa has been fulfilling that agreement. Having said that, there are other vendors on the same agreement, and we have reached out to them, and one of them appears to be providing lower rates for the same services. So it would be under the same agreement, but with negotiated rates that will save the town money. Same underlying agreement with the State, different vendor, same terms and conditions. So we're looking at that process. And if in fact they do come back, that contract will become -- come before this Mayor and council because it'll be a new agreement. And we will certainly discuss the changes and have some comparison tables at that time.

MAYOR FRIEDEL: So I don't think we need to get too farther -- too much further in the weeds. The work is being done, and it'll come back to us anyway if there's a new contract.

MCMAHON: Right. I agree.

MAYOR FRIEDEL: Councilwoman Kalivianakis?

KALIVIANAKIS: Yeah. Thank you, Mr. Mayor. Yeah. I would suggest that if the Vice Mayor won't change his amendment that we just simply put it to a vote. And then after the vote on that, if it's successful, you've been given direction. If not, then we can just vote on a clean motion that the staff suggested.

MAYOR FRIEDEL: Vice Mayor?

SKILLICORN: Motion stands.

MAYOR FRIEDEL: Okay. Motion stands, so we have a motion and a second. Can we get a roll call vote, please?

BENDER: Councilmember Watts?

MCMAHON: You know, I --

WATTS: No.

BENDER: Councilman --

MAYOR FRIEDEL: No, I'm not going to vote. I want to do what you said in not in so

many words. Because if you're already doing the work, then you're effectively meeting the criteria of the Vice Mayor. So from that perspective, I'd say yes, because we're doing it already. So I would say yes, that I would vote along with Councilman Skillicorn. You're doing it already.

LARRABEE: Okay. What?

MAYOR FRIEDEL: No, that's --

WATTS: All right. Now I'm really confused. Sorry. You know, this --

UNIDENTIFIED SPEAKER: Mr. Mayor, if I may just clarify, if you were to vote yes on this, it would require the staff to pull an RFP to procure these services outside of the State contract and directly with vendors.

WATTS: I don't want to do that.

UNIDENTIFIED SPEAKER: So that's -- if you were to vote yes, that's what the current motion states has to be done.

WATTS: So how do we word it so that we have --

UNIDENTIFIED SPEAKER: He's not willing to change his motion. So we have to vote on this motion and start with a new motion.

WATTS: Okay. I'm going flip again. No.

UNIDENTIFIED SPEAKER: Councilmember Kalivianakis?

KALIVIANAKIS: No.

BENDER: Councilmember Larrabee?

LARRABEE: No.

BENDER: Councilmember McMahon?

MCMAHON: No.

BENDER: Councilmember Earle?

EARLE: No.

WATTS: Vice Mayor Skillicorn?

SKILLICORN: Yes.

BENDER: And Mayor Friedel?

MAYOR FRIEDEL: No.

BENDER: Mayor, 1-6.

MAYOR FRIEDEL: Can I get a motion?

KALIVIANAKIS: Yeah. I'd like to move to approve the Amendment Number 1 to the Cooperative Purchasing Agreement 2026-002 with Mesa Energy Systems.

LARRABEE: Second.

MAYOR FRIEDEL: We have a motion and a second. Roll call, please.

BENDER: Councilmember Kalivianakis?

KALIVIANAKIS: Aye.

BENDER: Councilmember Larrabee?

LARRABEE: Aye.

BENDER: Councilmember Earle?

EARLE: Aye.

BENDER: Councilmember McMahon?

MCMAHON: Aye.

BENDER: Councilmember Watts?

WATTS: Aye.

BENDER: Vice Mayor Skillicorn?

SKILLICORN: No.

BENDER: Councilmember -- I'm sorry. Mayor Fidel?

MAYOR FRIEDEL: Aye.

BENDER: Mayor, 6-0.

MAYOR FRIEDEL: Thank you.

BENDER: 6-1.

MAYOR FRIEDEL: 9(B) is consideration and possible action regarding Community Center Fees and Waiver policy for Local Nonprofit Organizations.

Town Manager?

GOODWIN: As you recall, we had a work session on this a few weeks ago. There was significant discussion and direction. So tonight is where we will take that formal direction and vote to move forward with the new policy and pricing for the community

center as it relates to our nonprofits. Kevin's going to do a really quick overview of this. We're not going to go back through the full presentation.

SNIPES: Thankfully. Thank you. Mayor, council, we've talked about this a few different times, so I just want to kind of go through a little refresher of where we're at, of having a whole bunch of different options for our local nonprofits. And what we talked about is getting to a simple three step process where we have a full rate, a residents' nonprofit rate, and a local nonprofit rate. What we discussed doing was doing 50 percent off of the residents' nonprofit rate for all of our local nonprofits. The other thing we talked about doing is we increased from \$25 to \$30 during that discussion for our flat fee for audio/visual per meeting, and \$30 for our coffee service as well, maintaining the regular price for the sections of stage or dance floor if they're ever needed.

So for tonight, what we're looking for is the vote to approve those changes. And what staff would recommend is that we do this implementation January 1st, so we have plenty of time to make sure all of our nonprofits know what those fees are going to be, and they can prepare a little bit more. And it'll give staff time to be ready to handle that. The minimum that we could do is within the next 30 days, if you so choose. That would put a lot of people under the gun, but that's the quickest that we feel like we could turn that around. With that, I'll take any questions that you may have.

MAYOR FRIEDEL: Do we have any comment cards, Town Clerk?

BENDER: Mayor, we have four.

MAYOR FRIEDEL: Four? Why don't we hear from the public, and then if we have questions, we can ask Kevin.

BENDER: First speaker is Kim Wolborsky, followed by Boe James.

WOLBORSKY: Mayor, council people, I'm Kim Wolborsky. I'm a resident in Fountain Hills, and I am the treasurer for a local nonprofit. And let's see -- so sorry, I haven't done this for a while. First of all, I wanted to thank you for reviewing these rates and trying to lower them. I really appreciate that, and I know everyone in my group does. I'm not completely clear. I think I've missed something. I haven't been to the council for some time, so I'm not -- I wasn't completely clear on what the rates will be for nonprofits. My

understanding is it's going to be -- the letter that we got in June said it would be \$300 for each room, and it looks like this would bring it down to 150, but I'm not sure because Kevin went pretty quickly on that first slide and I'm pretty slow right now. So in any case, what I wanted to say is this is great and I really appreciate it, whatever it is. So it'll be 37.50 per ballroom per hour?

SNIPES: For a four-hour minimum.

WOLBORSKY: For a four-hour -- but 37.50 per hour?

SNIPES: Um-hum.

WOLBORSKY: Okay. So I think I'm right on what it is then. And then you brought the coffee service and A/V up, I saw that. So my biggest question left then is when we got our notice in June, it said that on Saturdays we would be required to rent two ballrooms at minimum. And I wanted to know if that is still in place because obviously that basically doubles the rent. It goes from 260 to 410 for our group for each meeting, and that's a huge increase. And we don't need two. We only need one. And I expect that's the case for a number of nonprofits.

We looked at meeting on a different day, and it really just won't work for our group. So I'm wondering if there's any wiggle room in that. I don't know what the reasoning was behind that, if there was work done on -- you know, research done on why that had to happen, but it is really going to be difficult for us to make that \$410 a month. So if you can just at least maybe have some more conversation about that one, or maybe explain to us why it has to be that way. So thank you.

JAMES: Mayor and council, I'm still Boe-James, and still a 20-year resident, but I'm also the president of the Fountain Hills Republican Club. And not mentioned in these slides is the requirement to rent two ballrooms on Saturdays, which is the June 11th email from the community center manager mentioned. That is a huge increase for a small club like we are. And I can't guarantee it, but I can sure tell you that -- or I can guarantee that we're going to look for another space to see if there's something better. And I think there's a good chance that we would not be able to meet in the community center, and we like meeting in the community center. Fountain Hills Community Center

has a great name to it when we tell people where to come to be speakers or anything else. And I think other organizations that -- might also have to start looking for other places. I know some already have moved in anticipation of the increased prices. And I'd much prefer to stay in the community center with one ballroom when needed, and two ballrooms when we need that additional space when we have great speakers, like the governors or senators, come out to speak to us. So I hope you reconsider the bit about having two ballrooms being a requirement for weekends. Thank you all.

BENDER: The last two speakers are Tolis and Dori Wittrig.

TOLIS: Thank you, Mayor. Thank you, Council. Speaking on behalf of the Four Peaks Rotary, and we have been meeting at the community center for a few years now. We've been at other locations in the community, and the community center really is the heartbeat of all of our activities and should be what the town is trying to promote the residents to use. It's taxpayer funded. It's something that is a symbol of our community, and your involvement and engagement in the community. So I would encourage, even though these fees do look relatively nominal, to do everything you can to give these nonprofits a free ride, essentially. I mean, that's the -- that's what I would be supporting is some sort of a free ride that we have volunteers, we pick up when we're at our meetings, we -- when I used to run the Fountain Hills realtor groups back -- this is 20 years ago -- we used to meet at the community center, and we would be let in at 5:30 in the morning. We'd set up our continental breakfast, and we'd have volunteers that would help at the community center to organize, and we'd leave it clean, and that's the way it worked.

So these nonprofits donate a tremendous amount of time, effort, and money into this community, which otherwise this community I think would be at a loss. So everything you can do for the nonprofits in Fountain Hills to encourage the use of the community center, which, as you all know, you're all business people, marketing this community and having the people come to the community center, and then communicate to their family friends, and if you want to have an event at the community center, that's when you're going to bring back some actual events that you'll have -- scheduled events that

are paid for. And you'll probably double down on what you gave up for these nonprofits with what comes back to the community. So thank you.

WITTRIG: Hi. Still Lori Wittrig, still a 40-year resident of the community, and I told you a little bit earlier about some of my nonprofit activities. And at the president level of these organizations, I've been involved in working with town staff and -- with our nonprofits. And I just want to tell a little bit about the nature of these nonprofits. And I know that every one of you in here are a member of something. There are so many small little community nonprofits out here. Those are not big city nonprofits. None of them are. I think some of the biggest ones are probably the political nonprofits. And you know, good for them. But you've got a lot of organizations that are soccer kids with soccer parents just trying to do everything they can to put together a practice. You've got people in community choir and community band. You've got so many different organizations and they have to come up with the money to do this. But a lot of those organizations, such as FHCCA, actually put the money together to build this building. They contributed. And they contribute to our community. They continue to support, and they welcome the new residents into our community. And it's the color, it's the vibrancy of Fountain Hills.

And I would encourage you to do whatever you can to continue to work on these prices. I appreciate what you've done here. I understand there is staff that has to manage it. I get it. But when it comes to an organization that is nothing but volunteers trying to put together money for other volunteers and for nonprofits, that money has to come from somewhere and that is from those groups. So if we can get a break here at your community facilities, it would be much appreciated. Thank you so much.

MAYOR FRIEDEL: Kevin, I have a question. Are the rates higher on weekends than they are during the weekdays?

SNIPES: Yeah. As far -- you can see on here, that it kind of shows the difference in price for the weekdays versus weekends.

MAYOR FRIEDEL: Okay.

SNIPES: The biggest difference for the weekends as well is that's when we're typically

looking at our outside bigger event [sic] that want to use the entire grand ballroom. And if we have somebody in using a single ballroom, then that eliminates that ability instantly. And so that's where that discussion has happened for the weekends. When it comes to the weekdays, it's different. It's not prime time, you know? The prime time is on the weekends. And so that's why there is an increased charge, as well as a mandatory use of two ballrooms versus one. And we talked about that during the work session of how long those -- that minimum is makes it to where that we can flip them over and get full use out of those ballrooms to where that it's as profitable as can be. We understand that our local groups -- and again, they're -- we're in support of them, and we -- and coming up with these solutions that we talked about during the work group is why we ended up where we did was trying to find that middle ground. And making it to where everybody gets the same treatment, and there's not these wheeling and dealings that have happened in the past behind the scenes. It makes it much cleaner for staff. Where any staff member can go, I'm working with X and their price is Y. Where now it's I'm working with X and their price is A, B, C, D, E, F, G, which makes it almost impossible to train somebody -- multiple people to be able to do that. And so this is just trying to clean it up. Whatever numbers you guys want to go with, I mean, obviously we're happy to do. We're just looking for a consistent way to do it.

MAYOR FRIEDEL: Councilwoman?

MCMAHON: Thank you very much. Thank you, Kevin, for your presentation again, and your clarification. And I appreciate it because my question was going to be, isn't this neutral in the sense that everybody's treated the same as far as the requirement for the number of ballrooms to rent, et cetera, especially on prime time, as you said.

SNIPES: Right.

MCMAHON: So this is a benefit to the nonprofit to cut the price in half. And I'm -- I think that having it be consistent, having everybody be treated equally as far as usage of those rooms, et cetera, I think it's fair. I think it's -- would be more consistent, you know, for the staff, and to not have to, you know, have to deal with, you know, different -- you know, having different, you know, dynamics about the whole thing.

And then my concern also would be, well, if you're -- and this is no offense to the nonprofits. Local nonprofits in town, I appreciate it. I know we have a lot of volunteers. I happen to volunteer as well. But I wouldn't want other people and other renters, so to speak, to come back and say, we're being treated differently. We're now required to do two rooms, but another person isn't. So I think consistency is better than nonconsistency in this instance as far as the room requirements go.

MAYOR FRIEDEL: I have a question for this council to consider. I see that the rate Monday through Thursday is 12.50 for classroom, two hour minimum, \$25 per ballroom. The Friday and Saturday per ballroom is 37.50. Would anybody have a problem making that the same as the ballroom rate on the Monday through Thursday? So it's consistent.

MCMAHON: I mean, I know it's consistent. But at the same time, I think there's -- it's prime time, again. And I think that that increase in rate applies to everyone else as well. So again, we're dealing with being across the board and being as equal as we can. And this is a 50 percent rate.

SNIPES: Right. Just to make -- just so we're clear, we're basing everything off of the regular full price rate, which gets dropped 50 percent for our residents and for any nonprofit. And then we're dropping that 50 percent more for our local nonprofits. And so that's what these numbers are, is 50 percent off of what our residents would pay if they were coming in to rent any of these things. And so keeping that where that's consistent, I think is important to where that -- we drop. However, it is the same.

MCMAHON: So it's a double 50?

SNIPES: Um-hum.

MAYOR FRIEDEL: Vice Mayor?

SKILLICORN: Motion to approve is drafted.

LARRABEE: Second.

MAYOR FRIEDEL: We have a motion and a second. Can I get a roll call vote, please? If there's no more --

BENDER: Councilmember McMahon?

MCMAHON: Aye.

BENDER: Councilmember Larrabee?

LARRABEE: Aye.

BENDER: Councilmember Earle?

EARLE: Aye.

BENDER: Councilmember Kalivianakis?

KALIVIANAKIS: Aye.

BENDER: Councilmember Watts?

WATTS: Aye.

BENDER: Vice Mayor Skillicorn?

SKILLICORN: Yes.

BENDER: And Mayor Friedel?

MAYOR FRIEDEL: Aye.

BENDER: Mayor, 7-0.

MAYOR FRIEDEL: Thank you.

SNIPES: Thank you.

MAYOR FRIEDEL: I see 9(C). Town Manager, I see Amanda's up here. Do you want to take it from there?

GOODWIN: Yes. Amanda's going to introduce this item and walk us through some changes to our policy regarding the Prop 202 Funding.

JACOBS: Good evening, Mr. Mayor, members of council. So this item is to repeal and replace 2004 -- yes, I'm saying 2004 -- dash 34, our policy and procedures on our Prop 202 funding. I do not have a PowerPoint. I know that's shocking. But I do have the PDFs of the track changes that were included for transparency, as well as the clean version. So let me know if I need to pull that up or not.

But why we're bringing this forward is because, as it says in the staff report, it's 21 years old. Extremely outdated. And I will state within my first month, I went to our former town manager and wanted to update this. I've now been here three and a half years, so I own it. One, priorities; two, transitions in staff; and three, staff was contemplating if we combined this with our overall grant policy, but made a decision to keep it

separate because it's a separate beast and animal, and then to just make the updates. So one, I'll go through some of those, is changing monies instead of funding just to be consistent with the state statute. We added, to make sure very clear for qualified applicants, that it's folks within Fountain Hills. So last year, we had somebody approach us, approach a former elected official, was trying to get grant funding. And after further conversations, they actually weren't even located in Fountain Hills. They'd basically been kicked out, if you will, from a different municipality because they had received funding for a couple of years. So then they were just kind of shopping around to other municipalities. So again, kind of the previous item, we've got lots of nonprofits within the town of Fountain Hills. There's not that much grant funding that is available, so we should stick with our own.

We're striking sections 1.3 and 1.4. So one, it was, again, wanting to be a bit stringent. So let's just say somebody had provided something competitive that the town was going to apply for. It was then basically telling a nonprofit or again, an applicant, we're not going to bring forth your application to the tribal entities. We're going to put the town first. We have not been following that practice, nor do I think we should. We should provide all of the applications. Second, it was also requesting that we take a portion of the application for staff resources. Again, since I've been doing it for three and a half years, it doesn't take a lot of time, about 30 to 60 minutes. So again, why take from the applicant? And again, you're creating other processes where we're having to then do invoicing, working with the finance department. So removing that.

Also, striking out the reporting structure. So again, we're not asking, after the end of the award season, let's see your report, how did you use that budget? We're just a pass through. So that should be between the tribal entity, as well as the applicant. The town shouldn't be getting into that. Government efficiency, please. And then just real quickly too, on article two, "the application requirements" instead of saying proposal, just to be consistent with application.

So again, you are our policy leaders. There's a possibility you're potentially disappointed that it's taken 21 years for us to bring this back. So please rest assured we will be

putting together a policy management calendar where there is a process owner. I am the town manager's designee, the economic development director. And then we'll make sure that we're reviewing this every three to five years. But again, as these come in three or four times, if anything changes with statute, if we start to get overwhelmed and we need to start collecting fees, we will bring this back to the mayor and council. With that, Mr. Mayor, happy to answer any questions.

MAYOR FRIEDEL: Do we have any comment cards?

BENDER: No, Mayor.

MAYOR FRIEDEL: Councilwoman Earle?

EARLE: I would like to make a motion to approve the Resolution 2025-26 repealing Resolution 20 -- or 2004-34 relating to the Town of Fountain Hills Policy and Procedures for Proposition 202 Funding and replacing its entirety.

LARRABEE: Second.

MAYOR FRIEDEL: We have a motion and a second. Can we get a roll call, please?

BENDER: Councilmember McMahon?

MCMAHON: Aye.

BENDER: Councilmember Larrabee?

LARRABEE: Aye.

BENDER: Council member Earle?

EARLE: Aye.

BENDER: Councilmember Kalivianakis?

KALIVIANAKIS: Aye.

BENDER: Councilmember Watts?

WATTS: Aye.

BENDER: Vice Mayor Skillicorn?

SKILLICORN: Yes.

BENDER: And Mayor Friedel?

MAYOR FRIEDEL: Aye.

BENDER: Mayor, 7-0.

MAYOR FRIEDEL: Thank you.

JACOBS: Thank you, Mayor, and council.

MAYOR FRIEDEL: Thank you. Item D -- item D is relating to modifications of the zoning ordinance regarding community residences.

Town manager?

GOODWIN: Mayor and council, if you recall, this actually is an item that was brought up in the spring by Councilwoman Earle to discuss. We actually tabled it at that time until the State legislative session was done. They were making some changes at their level, so we decided to sort of hold off until that was concluded. Obviously, that has been done, and so now this is brought back for discussion for the body.

MAYOR FRIEDEL: And this is discussion only tonight?

GOODWIN: Correct.

MAYOR FRIEDEL: Okay. Councilwoman Earle?

EARLE: Yeah. With the discussion, I'd like to bring back the same as I did -- I think it was in February. A while ago. That if possible, within the ordinance we have now, if it's possible to require insurance, two million, four million. And also, unannounced inspections for land use.

MAYOR FRIEDEL: Councilwoman Larabee?

LARRABEE: I just wanted to voice my agreement with that. I understand that we're not making a motion, but just that my direction -- or my discussion is that I would like to see this back for action to require insurance and to allow for unannounced inspections.

MAYOR FRIEDEL: Vice Mayor?

SKILLICORN: Thank you, Mr. Mayor. I believe that both inspections and insurance is in the purview of the town. I think it will protect residents. I don't know if there's any other suggestions from this body, but those seem to be pretty common sense. And you know, I don't see any issues against them, you know, so I would be supportive of staff drafting that.

MAYOR FRIEDEL: Councilwoman Kalivianakis?

KALIVIANAKIS: Thank you, Mr. Mayor. Yeah. I've made some inquiries on this, and I

read the Arizona state statute, what was passed SB 1308. At the risk of having to go into executive session, I would like some clarification from our town attorney. When I read the legislation, it seemed to increase the ability for the Arizona Department of Health Services Director to make changes to their procedures statewide. When I read -- when I read it -- and of course, I could have read it wrong. Was there any changes that municipalities could do other than what the director was authorized to do by this -- the State?

WRIGHT: Mr. Mayor, Councilmember Kalivianakis. So the legislation is fairly comprehensive. It does cover some areas, but it also leaves open areas for local municipalities included in the statute -- or the statutory changes included requirements that, in particular, sober living homes must comply with all local zoning ordinances and a variety of different -- they have to, you know, comport with what the town requires. In some research that I've done regarding the unannounced visits, I -- there is some concern because to your point that the -- under -- on page -- I think it's in our packet. 397. If I can get to that -- there we go. Under 36-2063 subsection C(2) -- or I'm sorry, C. The Department of Health Services is now going to be conducting visits to sober living homes annually, and then as well as before they're done. So there is a potential for issues regarding preemption by state law for that particular issue.

Regarding insurance, there's nothing in this bill that would prevent the State from -- or sorry, the town from having insurance requirements. I don't think that -- it's a gray area when you're talking about the unannounced visits, and I'd have to do more research on that one. Because it could go either way, right? It doesn't prohibit towns from having facility licenses that would require -- if we had some sort of facility licenses that would require visits, we would then have to make sure it complies with the American Housing Act. To make sure we aren't discriminating against any groups, we would need to make certain that -- you know, we'd have to be prepared that the State could -- you know, somebody could challenge us saying it's preempted. So it's -- this is -- that -- for the visits, it's a little bit more gray. A lot more research would need to be done before I would -- you know, before I could fully advise the council on it. On the insurance one, I

can see no reason why we couldn't. There's no legal prohibition to having liability insurance as far as I can tell.

MAYOR FRIEDEL: So even for a land use visit?

WRIGHT: I would have to do more research. So what I'm saying is that's a gray area. Like, it's -- again, somebody could claim that the state has preempted because they've regulated visits. But like I said, you can have facility licensing requirements. You know, there are other land use zoning issues where you could consider the unannounced visits. And so that would require more research. So I don't -- I wouldn't say that this absolutely preempts it. I'm saying that those are the legal issues we'd need to consider, and I would be happy to come back and provide a report on my findings on that one. I think -- I feel pretty confident in the insurance requirements being something that could -- you know, that there would be no problem with adding insurance requirements, and I could do more research to also make sure that I'm -- you know, that I'm not missing anything. But the second issue would require -- I would be happy to do a legal analysis and provide it to council.

KALIVIANAKIS: Okay. Yeah. Thank you. Because I would not be adverse if the municipality were given more leeway to regulate these. On the other hand, we have had advice from previous council that the insurance requirements might not be permissible. And of course, the preemption argument. And this -- again, SB 1308, it didn't specific any municipal involvement in this. It just mentioned the Department of Health Services. So I think we should be really clear on this. And we can give guidance that we would like to delve into these areas. But I think this is going to take some research, and maybe even communications with the State of Arizona on what their intention was when they passed this, which I think we can do. Okay. Thank you.

MAYOR FRIEDEL: Councilman Watts?

WATTS: Yeah. With respect to the insurance issue, we don't require -- first, I'm a supporter of trying to find a way to get the insurance applied, but we don't require that of any other business or business license in town.

MCMAHON: Right.

WATTS: So is it potentially discriminatory when we're categorizing one entity type that they have to have insurance, and then stipulating what those limits would be on top of that? I'm not sure that it isn't. We're not discriminating against them. I'd like to find a way. So I would encourage you to do as much research and see if we can't do that.

UNIDENTIFIED SPEAKER: If we could potentially --

MAYOR FRIEDEL: Councilwoman?

MCMAHON: Thank you very much. Well, aren't we talking about a zoning ordinance here? Aren't those more administrative? And in addition, I believe we've already discussed these in a prior council meeting, and there were reasons why they could not be implemented. I think Dave -- Chief Ott and John, you can -- if you remember, we talked at length about this. Chief Ott and those guys, they already do unannounced inspections as far as fire, et cetera, under the code. And I think, like, what Rick -- Watts said too is I don't -- since we don't require insurance of others, I don't know that that's something that we can force the sober living homes to have. And also, again, I question the fact that we're discussing a zoning ordinance. So is this more administrative discussion, or is this a zoning ordinance discussion is what I'm asking?

GOODWIN: John, do you want to chime in on that?

MAYOR FRIEDEL: Vice Mayor?

GOODWIN: Sorry.

MCMAHON: I've asked a question. So attorney -- the attorney can answer or John can answer, because I'm pretty sure we already had this discussion in a prior council.

WESLEY: Mayor, councilmember, I think we have had several of these discussions before the last time the council looked at it. And there were areas that the Planning & Zoning Commission discussed, made certain recommendations on, and council modified that slightly as it came along. With regard to inspections, we do -- for new homes, we do an inspection at the time that -- the -- it registers. And then when they do their annual renewal, we do an inspection then. We do not do any unannounced inspections at this point.

But I think part of the question maybe you're asking council member is, as a zoning

ordinance item, what would we be inspecting for versus maybe what some of the concerns might be or what the State regulations are. And we would not be inspecting for things that are under the State regulations. It would strictly be based on our zoning, which would be fairly limited and mostly related to the number of residents in the home, and a few other general things like that, some other fire safety issues.

MCMAHON: So that's when part of the discussion came in from Chief Ott as far as the reason for the inspections, et cetera. And plus, under the new SB 1308, the health department that licenses these homes and regulates them, they're -- the state does that. We don't. And they put a lot more teeth, in my opinion, into SB 1308, and we have to abide by it as far as sober living homes goes. So I'm not sure. Like Ms. Wright said, you know, I'm concerned with preemption, and a couple other things, but if we would like her to do some research on it, then that's fine. But I want to make sure that, you know, we're talking about a zoning ordinance, not necessarily administrative things right now.

MAYOR FRIEDEL: Vice Mayor?

SKILLICORN: Thank you, Mr. Mayor. And I'm not sure if this should be directed at you, Mr. Mayor, or the town manager, but you know, are we -- because we're not voting on this. Are we looking for a show of hands for a majority to direct the staff to -- you know, to actually draft an ordinance that requires, you know, inspections and insurance?

MCMAHON: That's a vote.

UNIDENTIFIED SPEAKER: Yeah.

BENDER: So what I'm taking from the conversation based on the discussion is we need some research done as to what we can do, what we can't do, what -- and our legal guidance. And then based off of that, we can have further discussion and direction based on that with those findings. That's what I'm taking from this conversation tonight, unless there's other discussion to be had.

SKILLICORN: I suspect that there's a majority of council that would like an ordinance drafted. Maybe Councilwoman Earle. She's the one who brought it up, maybe she has thoughts on it.

EARLE: Yeah. My understanding was that there's a discussion and that we're directing you to do that. But I do want to clarify, it's not -- I thought we weren't calling them sober homes. It's transition home. But it would also include the family community residence. So it's not just the transition home.

SKILLICORN: Yeah.

EARLE: This would be the different types of homes as well that would all be included in that. And my question is and how are we regulating whether they are having the limited five plus one in the transition home residence? That's five plus one staff. And to the family community home -- I don't know what -- don't say what it really is. I'm trying to use the proper lingo. But that, I think was eight maximum, right? So anyway, how are we regulating that if that is, you know, in our ordinance or our zoning. It's an ordinance or zoning. What's the difference?

WESLEY: To be fair, Councilmember, it's a zoning ordinance. So you were both right.

EARLE: Okay. Zoning ordinance?

WESLEY: Yes.

EARLE: Okay. So the same thing?

WESLEY: (Indiscernible).

EARLE: So both. Okay. So how are we regulating that then? How do we --

WESLEY: The way we're regulating it now is, again, through the initial inspection that we do prior to approving the registration. We go into the home. We look at the -- the bedrooms and the number of beds that are there and verify that it's consistent with what they're allowed to have. And then we do the annual inspection. We reverify that they've not changed that.

EARLE: Okay. So that's where it'd be beneficial to have unannounced ones if it's possible. If they try to sneak a few in or hide them, I don't know. But anyway, the other way -- the other thing I want to know is, do you know the number of these two separate type of homes that we have in the town currently?

WESLEY: Mr. Mayor, Councilmember, we currently have 11 of the family community residences, and two of the transitional.

EARLE: Okay. All right. Thank you.

WATTS: One last question for John. Do we have the ability to do inspections for cause? If there was a lot of traffic, if there was excessive parking. Should we have a proviso in the ordinance ultimately if there was a validatable [sic] cause?

WESLEY: So Mayor, Councilmember, I'm glad you asked that question. The -- if we see any other type of just general zoning violation that might be occurring, too many cars parked on a property, trash accumulating, whatever. Yes, we can enforce those codes just like we would any other property. And we do. We get calls about some of those things from time to time. And so they are followed up on, inspected.

And I -- just one other thing I'll say since I'm up here too, whatever direction the council gets -- you'll probably remember this, just -- but just to be sure -- this is a zoning ordinance item. And so whatever direction you give us, to bring it back to you as an ordinance, it will first go through the Planning & Zoning commission, and they'll make their review and recommendation back. So just that will take that time.

WATTS: And I'll rely on town attorney to let us know if you need a provision in there for cause, or we can just rely on zoning. So thank you, John.

MAYOR FRIEDEL: So was that direction good? Okay. We're good with that. All right.

BENDER: Mayor, we have one speaker card.

MAYOR FRIEDEL: Oh, I'm sorry. I thought I --

BENDER: Crystal Cavanaugh.

MAYOR FRIEDEL: I thought I asked for speaker cards?

BENDER: I didn't hear that.

MAYOR FRIEDEL: Okay. I'm sorry.

CAVANAUGH: Crystal Cavanaugh, resident. You've touched on some of this. And one of my points was brought up by Councilman Earle as far as doing it for both, the family community residences and the transitional community residences. So there's no discrimination there. It's not like we're targeting one or the other. My other thoughts on this were obviously to review the Planning & Zoning Commission's previous ordinance that was submitted to the last council, where it was watered down with a

couple of these things taken out. Might be some good wording in there and see if you can do it. Obviously, after more research by the attorney.

And so two of those items have been mentioned about enforcing the occupancy limits. And I definitely think, if we can do it, we need unannounced inspections because I think we've all understood how they staff up and maybe clean things up a little bit if they know somebody's coming. And I think the yearly fire code inspections are good and they can actually help to confirm, you know, occupancy by verifying the number of beds. However, those are scheduled.

And the other aspect that was removed involved the insurance coverage that did provide some additional protection for the neighborhood in case something significant occurred. These are businesses that are located within residential settings and single-family neighborhoods, and I do think that makes them a little different than just when we say we don't require this for another business. Well, this is a unique business placed in a neighborhood. And so I think the community has the right to implement specific guidelines for the protection of its residents, while still respecting the privacy of those living in the community residences. I think it'll be a balancing act, but of course it can be happened -- it can happen.

And I'm happy the state kind of amped up its procedures. But anytime the state's going to come, its first noticed at the local level. I mean, these guys only come by now and then. And when I used to study up on some of this stuff, I made several calls to the State asking them questions, and I was disillusioned by some of the answers. And I don't think they checked very often, and I'm not sure they staffed up more so that they can fulfill that obligation.

So also, my last question is I'm glad to hear we only have two of the transitional ones now, and we have 11 of the family. Because I know we had one transitional home closed and I didn't know where those people went. But my question is, do those two existing ones and the 11 others have to comply with anything that you then add in, or are they grandfathered so you can't really check on their occupancy anyway? So that would be a question to look into also. Thank you.

EARLE: Can I ask John one more thing, please?

MAYOR FRIEDEL: Well, okay.

EARLE: Thank you, Mayor.

MAYOR FRIEDEL: John, one more question for you.

EARLE: So people saying that they don't -- we're not -- we can't ask them to have insurance. As a licensed contractor myself, I am required to be bonded and insured. So how is it that they can have these people in their home and not be required? Are they -- if they have a license, does that mean the State does not require it in their licensing?

WESLEY: So Mayor, Councilmember, I'm probably not the best person to ask that question of.

EARLE: Okay.

WESLEY: I don't know if our town attorney would feel like she's -- wants to answer that right now, but certainly something we can follow up on.

EARLE: Okay. So then we'll look into that.

WESLEY: As Councilmember Watts mentioned earlier, that was one of the reasonings behind not requiring it when it came around the first time, because we traditionally haven't required individual businesses to have insurance. I think since then we have required it in a couple of places in our code.

EARLE: Okay. So there are some? Good. Okay.

WESLEY: So I think it's -- I think there has been some precedent set since the last time the council discussed this. But again, we'll look into that and see what --

EARLE: Okay. Thank you.

MAYOR FRIEDEL: Okay. No more speaker cards?

BENDER: No, Mayor.

MAYOR FRIEDEL: Okay. Thank you. All right. We'll move on to council direction to the town manager. Does anybody have anything? How about future agenda items? Anything? Vice Mayor?

SKILLICORN: Thank you, Mr. Mayor. I do want to bring up renaming the community center to the Charlie Kirk Freedom Center, effective September 10th, 2027.

LARRABEE: I would second that. That would be two years from now. And you know, I would be interested in finding other things to rename after Charlie Kirk, especially after, you know, certain people ripped off their mask tonight.

MAYOR FRIEDEL: Anything else? Can I get a motion for --

KALIVIANAKIS: Motion to adjourn, please?

MAYOR FRIEDEL: Second. A motion and a second. All in favor?

ALL: Aye.

HAVING NO FURTHER BUSINESS, MAYOR GERRY M. FRIEDEL ADJOURNED THE REGULAR MEETING OF THE FOUNTAIN HILLS TOWN COUNCIL HELD ON OCTOBER 7, 2025, AT 7:20 P.M.

APPROVED:

GERRY FRIEDEL, MAYOR

ATTEST:

BEVELYN J. BENDER

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING MINUTES ARE A TRUE AND CORRECT COPY OF THE MINUTES OF THE REGULAR COUNCIL MEETING OF THE TOWN COUNCIL OF FOUNTAIN HILLS, ARIZONA HELD ON OCTOBER 7, 2025. I FURTHER CERTIFY THAT THE MEETING WAS DULY CALLED AND HELD AND THAT A QUORUM WAS PRESENT.

BEVELYN J. BENDER