

TOWN OF FOUNTAIN HILLS
MINUTES OF THE REGULAR MEETING
OF THE FOUNTAIN HILLS TOWN COUNCIL
NOVEMBER 18, 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 Hannah Larrabee

Members Present Remotely: Councilmember Peggy McMahon

Staff Present: Town Manager Rachael Goodwin; Deputy Town Clerk Angela Padgett-Espiritu; Town Attorney Jennifer Wright



Post-Production File

**Town of Fountain Hills
Town Council Meeting Minutes
November 18, 2025**

Transcription Provided By:
eScribers, LLC

* * * * *

Transcription is provided in order to facilitate communication accessibility and may not
be a totally verbatim record of the proceedings.

* * * * *

MAYOR FRIEDEL: I'd like to call this meeting to order, and would you please rise for the Pledge of Allegiance?

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 if you choose, remain standing for the invocation by David Taylor. Is Mr. Taylor here? Not seeing him present, then we'll take a moment of silence.

Thank you. Before we take a roll call, I have some opening remarks I need to make.

So I want to say good evening to everyone, and thank you for joining us, both here in person and online. As a community, we all share one common goal to make Fountain Hills the very best it can be. Over the past few meetings, we've had moments that have distracted from that shared purpose. Things like clapping, jeering, finger snapping, and any other disruptions make it difficult for everyone to be heard and for the council to conduct the business effectively and respectfully.

To keep our meetings focused and productive, those kinds of interruptions simply can't be allowed. If anyone is unable to remain respectful of the process or those serving on this dais, they'll be asked to step out.

Council meetings exist for one reason, to conduct the business of the town. This is where decisions are made that affect all of us, and those decisions deserve an environment of mutual respect. Our meetings are not a place for political venting or for disrupting town business and proceedings. We all care deeply about this community, and by maintaining civility and focus, we can make sure our meetings truly serve the People of Fountain Hills.

Thank you. And with that, let's move on to our regular meeting agenda for the good of the town.

Town Clerk, roll call, please.

PADGETT-ESPIRITU: Mayor Friedel.

MAYOR FRIEDEL: Present.

PADGETT-ESPIRITU: Vice Mayor Skillicorn.

SKILLICORN: Present.

PADGETT-ESPIRITU: Councilmember Earlee.

EARLE: Present.

PADGETT-ESPIRITU: Councilmember Kalivianakis.

KALIVIANAKIS: Here.

PADGETT-ESPIRITU: Councilmember Watts.

WATTS: Present.

PADGETT-ESPIRITU: Councilmember Larrabee.

LARRABEE: Present.

PADGETT-ESPIRITU: Councilmember McMahon.

MCMAHON: Here.

PADGETT-ESPIRITU: You have a quorum.

MAYOR FRIEDEL: Thank you. Now we'll move on to our reports by Mayor and Councilmembers.

Rachael?

GOODWIN: Mayor, thank you.

Everybody, we have a very full house tonight, so I'll take this opportunity to remind you of a couple of upcoming events. Next Thursday, the rain should be gone and we should have beautiful day to celebrate Thanksgiving, which means we have our Turkey Trot. If you have not signed up and you'd like to participate, now is the time. We are almost full, i.e. we expect to be full by the end of this week. So if you'd like to, please get in here, get signed up so we can celebrate, and walk, run, and whatnot on Thanksgiving morning. Keep in mind following the Turkey Trot is the Chamber of Commerce annual parade, so it's always a fun day here in Fountain Hills on Thanksgiving.

Also, a reminder that the Saturday after Thanksgiving is our annual breakfast with Santa at the Community Center. Also a ticketed event that sells out. So if you have not grabbed your tickets, please do so.

We also have an additional event that day, which is our sensitive Santa that is designed for a little bit quieter interaction with Santa. So that is designed for our other -- our other users and our other kids in the community. It's -- both events are very popular.

Both events are a great way to kick off the season. With that mayor, I'll conclude my remarks.

MAYOR FRIEDEL: Thank you. Councilperson Earle.

EARLE: Happy Thanksgiving.

MAYOR FRIEDEL: Councilperson Kalivianakis.

KALIVIANAKIS: Thank you, Mr. Mayor.

Thanks for coming, everybody, live -- live streaming here. Live in person on Cox11 and YouTube. As it looks like this might be my last council report that I'll be able to share with you for quite some time, I would just like to tell you what a pleasure it's been to be with you and share my council reports in this venue. I would just want to say how much I've enjoyed sharing what I do between council meetings, on your behalf.

Public safety, military affairs in the courts for the Arizona League, budget, finance, economic development for the League, domestic violence for MAG, human services and community initiatives for MAG, my work on the pedestrian safety committees, and also Fountain Hills Cares.

I served on these committees with dignity, passion, a servant's heart, and always trying to do you proud. However, as the musicians always say, the show must go on. And so in that spirit, I'm in the process of opening up a YouTube channel where I can continue to do my council reports, feedback on council meetings, and questions from the public. And so it's been a pleasure to share these reports for the last three years with you. However, the free flow of information will continue on YouTube, so stay tuned.

MAYOR FRIEDEL: Councilman Watts.

WATTS: Thank you, Mayor. Two things of interest. Lots of different -- different activities, but the Veterans Day memorial was the highlight. And then the fair, albeit a little bit wet, but it was a nice weekend. Thanks.

MAYOR FRIEDEL: Vice Mayor.

SKILLICORN: Thank you, Mr. Mayor. I have no report, but I would like to make a motion to move agenda item 7 to after agenda item 11.

EARLE: Second that. Sorry. Is that what we do? Yeah. Yes. Okay.

MAYOR FRIEDEL: So we have a motion and a second to move the call to the public to after item 9?

SKILLICORN: 11.

MAYOR FRIEDEL: 11? After future agenda items, so we have a motion and a second. Can we get a roll call, please?

KALIVIANAKIS: Could -- could we just explain to the audience what we're doing once more, Mr. Mayor, if you could.

ALL: Yes, yes, yes.

[CROSS TALK]

MAYOR FRIEDEL: We are moving the call to the public to just before future agenda items. Just after future agenda items.

KALIVIANAKIS: Okay. Thank you for that clarification.

MAYOR FRIEDEL: Roll call please.

PADGETT-ESPIRITU: Mayor Larrabee, I mean, excuse me, Councilmember Larrabee.

[LAUGHTER]

PADGETT-ESPIRITU: Sorry. Oops.

GOODWIN: Was there an announcement I missed, maybe?

PADGETT-ESPIRITU: No. Maybe. Councilmember Larrabee.

LARRABEE: Aye.

PADGETT-ESPIRITU: Councilmember McMahon.

MCMAHON: Nay.

PADGETT-ESPIRITU: Councilmember Watts.

WATTS: Aye.

PADGETT-ESPIRITU: Councilmember Earle.

EARLE: Aye.

PADGETT-ESPIRITU: Councilmember Kalivianakis.

KALIVIANAKIS: Nay.

PADGETT-ESPIRITU: Vice Mayor Skillicorn.

SKILLICORN: Yes.

PADGETT-ESPIRITU: Mayor Friedel.

MAYOR FRIEDEL: Aye.

PADGETT-ESPIRITU: Motion passes, five to two.

MAYOR FRIEDEL: Thank you.

Councilperson Larrabee, your report.

LARRABEE: No report. Happy Thanksgiving. Hope everyone enjoyed the fair and the Veterans Day celebration or -- not celebration, memorial.

MAYOR FRIEDEL: Thank you. I've been asked to make a statement by the United States Marine Corps Detachment 1439 from the town of Fountain --

MCMAHON: May I make a statement?

MAYOR FRIEDEL: Oh, I'm sorry. Go ahead.

MCMAHON: That's okay. Thank you, Mayor. I just also want to say I hope that we can continue our professional comments as Councilmembers and share with our community what we do professionally on behalf of the town by attending other board meetings, committees, and furthering the town's good reputation and business.

I hope it doesn't go away. I think it's a significant part of who we are as Councilmembers. And again, letting our constituents know that we are working on their behalf, not just when we attend council meetings, but outside of a council meeting as well. So thank you.

MAYOR FRIEDEL: Thank you. So I've been asked to make a statement by our Marine Corps detachment here, 1439 at the town of Fountain Hills, that they will be at the Thanksgiving Day Parade, and they respectfully ask the community to bring toys to the parade in an effort to ensure that their toys for tots program, which is used for their Christmas event, will be a success. So having done that, I'll move on.

So over 80,000,000 people will travel for Thanksgiving this year. So we wish safe travels to all those. The Mayor's Challenge update, we've got over \$10,000 that have been raised for our extended hands food bank here in town. The art fair was very successful. I was down there three times this weekend and tons of people in town. In fact, I found a nice piece that we -- that we're going to buy, as well.

I had the pleasure of honoring women in aviation at a gala in Scottsdale this weekend. So we were proud to do that. And that's where they raised over \$100,000 for scholarships. And like Councilman Watts said, the Veterans Day ceremony at our war memorial was hugely successful. Probably one of the biggest crowds I've seen out there in years. So I was proud to have some remarks and welcome people on behalf of the town.

And now we'll move on to the Mayor's Business Spotlight. And tonight's recipient is our Extended Hands food bank. So tonight, we're recognizing Extended Hands Food Bank, an organization that truly represents the heart of Fountain Hills. Founded in 2004 with just a few volunteers, it now is powered by over 50 dedicated community members. And they serve ten different ZIP codes across the Northeast Valley. Led by David Iverson and his granddaughter Allison Iverson, who began volunteering at just four years old. The family's passion has inspired two decades of service to our community. Today, Extended Hands serves over 6500 people in every single month, offering fresh produce, meats, pantry staples, household essentials, and even pet food. Congratulations to David and Alison and the entire Extended Hands team. Your work touches countless lives and remind us -- reminds us all of what can be accomplished when a community comes together and works together. So Alison, if you're here, come on up.

IVERSON: Wow. Okay. Can everyone hear me? Okay. Wonderful. I am -- wow. I'm just taken aback. This is the first award that I think the food bank has gotten since the Chamber of Commerce, so. I'm not going to start crying. I -- I really appreciate it. We -- we do so much for this community. Most of you probably don't know because it's behind closed doors. But we -- we really, really appreciate it, coming from the mayor and the Town Council. Thank you to each and every one of you.

We -- we desperately need help. Just really fast, I just wanted to say a couple words. I hope that's okay. First of all, I'm Allison Iverson. I am David Iverson's granddaughter. I am now the executive director of the food bank as of a week ago, so it's very exciting. Thank you.

So something that's new with the food bank, most of you already know, but we are moving. We got approval from John Wesley himself, back there. Hello. Yes, that gentleman that just waved. We are moving over by Messinger, the funeral home here in Fountain Hills. We're going to be on Colony. It's going to be half the rent that we're paying right now. Before we were paying \$10,000 a month. Now, it'll be 5,500, so hopefully the town's money will go to a better use. We just -- we really appreciate all the work that, also Mayor Friedel has done for us too. Him turkey trotting in the Turkey Trot will be wonderful. And he's going to be giving a dollar to the food bank for everyone who passes him on the finish line. So everybody literally sign up, coming from me, okay? Sign up.

We desperately need the money more than you know. So with everything going on with SNAP benefits, as most of you know our funds are down, food's down, everything's down. But the community has shown up like never before. Through the community garden, the community center, everything. Like, it's been absolutely insane. I thank you to every single one of you for showing up as a community. My grandfather David, he likes to say it takes a village. We're all in this together. It's not just me. It's not just my grandfather. It's not just the mayor. It's not just this town council. We are all in this together. We are one body. So again, I appreciate every single one of you. Thank you for having me. I appreciate you.

MAYOR FRIEDEL: And -- and I'll add one note. For those that don't know, we have donation barrels in the town hall here, and also at our community center.

Okay. And so now we'll move on to our recognition of the veteran of the month. And today we are honoring First Lieutenant Richard Dick Juetten, who was born in Tigerton, Wisconsin, on September 27th, 1926. In November of 1943, as a junior in high school, he enlisted in the Army Air Corps, intending to become a pilot.

However, while still in basic training, World War II ended. Considered a World War II veteran, in September 1946, using the G.I. Bill, he enrolled at Michigan Tech College of Civil Engineering and joined the US Navy ROTC program.

Upon graduation from college, Richard commissioned into the US Air Force, serving in

the Korean War in 1952 and 1953. Assigned to the 430th Fighter Bomber Squadron, 474 Bomber Wing, Fifth Air Force, he flew 76 daytime and 14 solo nighttime combat missions in the F-84 Thunderjet. Let me repeat that. He flew 76 daytime and 14 solo nighttime combat missions. Unbelievable. One of the solo night missions earned Richard the callsign Roscoe the Distinguished Flying Cross. Later, he served as a flight instructor at Luke Air Force Base.

After six years of active duty in the military, Mr. Juetten was hired by Salt River Project, SRP as we know, as a civil engineer in the Water Division. He was eventually responsible for the reservoirs on the Salt and Verde rivers, making the decision when to let water down the river through to Phoenix. He retired from SRP as an assistant general manager of the Water Division in 1992.

Once retired, he became an avid river runner, competing eight raft trips down the Colorado River, two of which he kayaked. He also kayaked or rafted the Green Salmon, Desolation, Rogue, and Upper Salt Rivers.

Richard and his wife Marie moved to Fountain Hills in 2001. Giving in to family pressure. Richard sold his kayak at the age of 89, [LAUGHTER] and hung up his paddle for good. Richard is a lifetime member of the Veterans of Foreign Wars Post 7507, in Fountain Hills. And would you please congratulate me [sic] and come on up, Richard.

[CROSS TALK]

GOODWIN: Thank you. Would you like to say thank you?

JUETTEN: I've got everything I need.

[LAUGHTER]

GOODWIN: So do you just want to say thank you to them?

JUETTEN: Yeah.

GOODWIN: Say thank you.

JUETTEN: Thank you for very much for all of the stuff that I've done.

[LAUGHTER]

JUETTEN: And --

MAYOR FRIEDEL: I hope I didn't lie about anything.

JUETTEN: No, you didn't lie. You --

[LAUGHTER]

Juetten: -- filled it up good.

MAYOR FRIEDEL: Okay. Good.

JUETTEN: Thank you.

MAYOR FRIEDEL: And again, congratulations, and thank you for your service.

JUETTEN: Yes. Okay. Thank you.

PADGETT-ESPIRITU: Thank you. Thank you.

MAYOR FRIEDEL: Thank you.

All right. And now we'll move on to presentations. Rachael?

GOODWIN: Mayor, first up we have chair Patrick Garman. He oversees and chairs our strategic Planning Advisory Commission, which meets Wednesday actually, if anybody is interested in joining us for that meeting. But Patrick is going to share some updates as to the current progress of the strategic plan process and some of the -- some of where we're going with this -- the next update. So with that, I will turn it over to Chair Garman.

GARMAN: Good evening. How are you? My name is Patrick Garman. I'm the chair of the Fountain Hills Strategic Planning Advisory Commission. I'm the chair. My vice chair is Jeff Yazzetta. We also have commissioners on our -- on our group. Polly Bonnett, Randy Crader, Bernie Hoenle, Joseph Reyes, who is in the audience tonight, and Paul Smith. So that's our -- our crew.

We've been working on this strategic plan for the town of Fountain Hills. The plan for the town of Fountain Hills is a ten-year plan that we update every five years. All right. This is my representation about what we do. And I just have a few slides, so I won't take up too much of your time. But if you notice, the last plan was approved in March of 2022. We started after that with helping with the implementation of that plan and also issue familiarization. We did that ongoing. So every one of our meetings, we have people come and talk to us about issues that may be affecting the town. As you see, that was 2022, '23.

As we move from left to right, you see we also started to develop the plan then, back in

2023, '24. I'll show you the next slide of kind of what the model looks like. But we have a three-tier model that we use for the strategic plan. We developed our strategic priorities in '23, '24. We worked on our signature strategies last year. And I'll define those in just a second. And then this year now we're working on a specific task. These are all draft, right? We work through all these. And then we'll -- we'll open those up for socialization and hopeful approval for submission to you all next year, around the same time.

Okay. So this is my representation of what our model looks like. It used to be an arrow moving off to one side. I thought it looked better as kind of a house, because we start calling the strategic priorities pillars. So if you can see that in the middle, we start off with the mission and the vision for the town. And then we worked on the strategic priorities. Just so you know, those pillars, they don't change a lot between small towns and towns across the United States. Every once in a while, a different one is in there.

But as you can see, we settled on five about a year and a half, two years ago.

So financial, economic, land use, that's quality of life, and safety, and infrastructure.

Underneath those are signature strategies, underneath -- and signature strategies then are the next level down.

As an example, just so you know, let's say infrastructure is an example. That's the pillar. A signature strategy underneath infrastructure might be roads, right? And then underneath that you see supporting task. Supporting task is where we actually identify what's going to be done, who's going to be doing it, and what the timeline is to complete it.

So then you're looking at what -- what are we talking about when we talk about roads, what's the timeline and what we think needs to be incorporated or implemented? And we do that across the board for all of those. There's generally about three signature strategies underneath each pillar, and then two to three or more tasks underneath each signature strategy.

Something I like to quote in our meetings is, you know, if you start big, it becomes -- the project becomes unmanageable very quickly. So you need to start small and then it still

becomes pretty big. So at the end of the day, this will be a very healthy plan.

One other thing I wanted to mention under financial is, as an example, and something that we talked about at the end of the year last year, was the incorporation. It goes under finance, but it really affects all of those different pillars. But a signature strategy has been very interesting is AI, so AI integration. I mean that's -- that's a buzzword these days. And it's going to change a lot in five years or ten years. So we've been hard at work working on that and seeing how that might impact the town's strategic plan as well.

Okay. I'm going to keep going. This is something I wanted to talk about, outreach. We don't just sit here and talk amongst ourselves. We actually get out and ask for opinions from people in Fountain Hills. A couple of ways that we've worked on that's been successful the last several years. One is an outreach to organizations, nonprofits, different volunteer organizations across Fountain Hills where I go or the -- the vice -- vice chair of our commission goes and talks, provide slides like this, and talks to that organization, and then gets feedback. Whether direct feedback right then or after the meeting, or some folks then come back. They email us through our email address or they come to our meetings.

So those are just some, there's quite a bit more. Over a two-year span, I've personally talked to a lot of organizations within Fountain Hills about our strategic planning. The second thing that we do routinely is we have workshops at the community center. And Jeff Yazzetta, the vice chair, has been particularly useful and adept at doing those, so. He's done those for the last two years. At least twice a year, we've done community workshops in the community center where we have displays, and people walk in, and they see something of interest, or they tell us they have note cards, or we write down what they say. And it's also very interesting.

So what I put on the bottom was just an overview. I'm not going to go through each one of those. I just wanted you to see that there's a lot of comments, a lot of different ideas, and that we have to help coalesce those into something that we can implement in the future.

Okay. So outreach, the last thing I want to mention about outreach is -- is we're heading we're getting close to about 700 individual engagements. So I think by the time we're all done, you know, we'll probably have 1000 or more individual engagements with citizens and folks within the Fountain Hills. Okay.

So we're back to this. This is my final slide. I wanted to return to the timeline that we have. So what I just talked about, if you remember -- I know you just honored somebody in the military. I was taught in the military. You tell people what you're going to tell them. You tell people what you tell them, and then you tell them what you told them. So what I just told you was that we started in 2022 with an overview of issues in our town. We started also helping with implementation of the current plan. We worked through pillars, which are strategic priorities, those big things holding up the mission and vision for the town. And then we've worked underneath that under strategic -- excuse me, signature strategies. And underneath that now we are starting to fill in the actual supporting task where we say, who's going to do something? How long is it going to take them to do it? We're hopefully going to get back a draft plan at the end of this session.

When I say session, we usually take July off, so we're looking to have a draft to start putting together a June time frame, and then we'll come back at the end of the summer, and start socializing that draft, and making, you know, movements to the left or to the right and steer the ship in the direction that you all might think is appropriate, and hopefully get an approval of the new plan sometime in 2027.

That's the end of my presentation, I don't know, did you have any questions or comments?

MAYOR FRIEDEL: I'll make a comment. I think it's really important what you --- the role that you play and you forward this information on to the town council so we can help with the future development of the town. And having served on the Strategic Planning Commission, I know how important that is as well. So thank you for your outreach and all your all your work on behalf of the community. It's really important.

GARMAN: Thanks. I answered all your questions. All right.

MAYOR FRIEDEL: Thank you.

GARMAN: All right. Thanks. Want me to --

MAYOR FRIEDEL: I've got it.

GARMAN: Yeah, okay. Thank you.

MAYOR FRIEDEL: Rachael?

GOODWIN: All right. Our next presentation is going to be regarding our finance audit.

Our CFO, Paul Soldinger is going to introduce I believe he's going to bring up Josh Jumper from Heinfeld Meech to share some details.

SOLDINGER: Yes. Mayor and council. Josh is here. He's a partner with Heinfeld Meech.

He's the audit partner on our audit that just came to a conclusion for fiscal year '25.

That ended in June of 2025. Happy to say we had no audit findings and we were \$1 below the expense limitation. I know I'm stealing some of Josh's thunder, but with that, I'll just turn it over to him and I'll be available for any questions you might have.

JUMPER: Good evening. Mayor Friedel, Councilmembers, my pleasure to be here. I will briefly and succinctly, hopefully, speak to the audit results, again, looking backwards to the year ended June 30th, 2025. I have a few slides to just keep me on track, but I will keep my comments brief. So I'll just start with, why am I here? Why is the town getting audited? Well, it's required in state statute to get an annual audit of its financial -- financials.

Additionally, federal law requires the town to go -- undergo a single audit, of federal financial assistance. However, that was not required this past year because the town did not meet the threshold to require it. Additionally, back in 2021, there was an ARS put in place to require us to come present in council, in a public meeting.

So it wouldn't be an audit presentation if I just didn't touch briefly on the importance of an audit. So just listed out here --

MCMAHON: (Indiscernible) I'm pretty sure I have a spa appointment this morning and I need to change it if possible.

UNIDENTIFIED SPEAKER: Give her an appointment.

UNIDENTIFIED SPEAKER: Yeah.

[LAUGHTER]

MAYOR FRIEDEL: Peggy.

MCMAHON: Can we maybe do it later on in the afternoon?

MAYOR FRIEDEL: Peggy. Peggy.

MCMAHON: Thank you.

MAYOR FRIEDEL: Thank -- thank you. Sorry about that. Go ahead.

JUMPER: No problem. So I'll just touch on the importance of the audit. So we're verifying management's representations regarding the town's financials. The audit also demonstrates stewardship and accountability to a host of different entities, including the citizens, you the council, granters, state agencies, et cetera. We're also reviewing compliance with certain laws and regulations. And then you're also ultimately ensuring that management's ensuring their responsibility to get the audit completed.

So this is just the timeline of the audit process for this past year. We started preliminary audit procedures in the summer, came out on site in September after year end to perform final audit procedures. And then the audit reports were issued at the end of October. So just a few weeks ago.

So what's included, when I say annual audit. So these five items are the items that were issued. A letter to governance, that's you, the council. I'll touch on that last. The annual comprehensive financial report. That's the town's financial statements that are audited. The report on internal control over financial reporting. So we also look at the internal controls over financial reporting. Pleased, as Paul mentioned, no findings in that area this year.

The annual expenditure limitation report that gets submitted to the state. Paul also indicated that the town is under that statute -- statute determined limitation and then also submitted to the State is a compliance with state transportation Heerf monies, ensuring the town spending those monies are in compliance with ARS. So as Paul mentioned, I'll just remention a -- key items. So no internal control deficiencies, no audit findings. The audit opinion is unmodified and was dated October 30th. So unmodified the technical accounting term. The nonaccounting term is a clean audit

opinion. So pleased to report that. And then again the town was below its mandated expenditure limitation.

So just looping back to the communication to governance. So there is a letter included in the agenda packet. But I will go over the highlights. Just that we had no disagreements with management during the course of the audit. There were no uncorrected misstatements this year as well, and that we were able to complete the audit in a timely manner.

Additionally, attached to that letter in the agenda packet engagement letter that signed at the beginning of the audit to dictate the terms. And then the management representation letter that signed at the end of the audit that signifies the completion and issuance of the audit opinion.

Other important communications to council. So just indicating that we do inquire about fraud and noncompliance. We inquire with that -- with different members of management and employees, but that ultimately the responsibility for fraud lies with management, and ultimately council.

Wouldn't be an audit presentation if I didn't say that the audit is designed to provide reasonable but not absolute assurance, and that the financial statements that were issued that do have the audit opinion, that responsibility ultimately lies with management. I kept it brief, but I'm happy to answer any questions you may have on the audit for the year ended June 30th, 2025.

MAYOR FRIEDEL: Councilman?

WATTS: How many years in a row have you -- has your firm done the audit?

JUMPER: So this we are just completing the -- so my understanding is the audit contract is gone -- goes through town's procurement process request for proposal. That's issued with a one year, with four renewals. So we are in year five of the current audit contract. Those one year and then the four renewals. So this is year five of the current audit contract.

WATTS: I assume you're going to respond to another RFP?

JUMPER: When the town -- yes, follows its procurement processes. We do intend to

bid again.

WATTS: And there is a saying about words matter. And you made the comment that you didn't find any deficient -- deficiencies this year. Does that imply that there were deficiencies in prior years?

JUMPER: There have not been any deficiencies in the most recent few years. I can't speak to several years ago, but I would say in general, there -- there have not been significant issues or findings within the town's audit each year.

WATTS: That's good to know. Thank you.

MAYOR FRIEDEL: Councilwoman?

GOODWIN: I just want to say thank you for the work you did, and I really am pleased with the outcome.

MAYOR FRIEDEL: And I think I'll just make a comment to the -- Paul's team has done a great job for this town. And it's again -- bears fruit with this audit. So thank you, again.

JUMPER: Thank you.

GOODWIN: Mayor, do you mind if I add one more item?

MAYOR FRIEDEL: Sure.

GOODWIN: Paul, not to put you on the spot, but how many years consecutive has the town won the GFOA budgeting award?

SOLDINGER: Well, thank you for asking, Rachael. [LAUGHTER] I've only been here two years, obviously, but the town has won the GFOA Budget award for our budget book and the budget process 23 years consecutive. We're going to be applying for our 30th straight year for our financial statements that were just audited. I'm actually going to do that tomorrow, submit the application.

We also get another award for our -- I'll kind of talk about real quick, because people probably don't know about. We have a popular annual financial report that we issue by December, which is not audited. It's just basically summary document of our financial statements that's more easily readable for the community. I do print some of them out, put them around town hall, and last year they were all taken by residents. So I think people have some interest in them. But we have won the GFOA award for that for

many, many years as well. So all of them have won the awards. So thank you for asking.

GOODWIN: Absolutely all a testament to what you guys do. And thank you for to you and your staff.

JUMPER: Yeah, I appreciate that. And thank you to the mayor and council as well.

WATTS: Yeah. Congratulations on twenty-three years.

MAYOR FRIEDEL: Okay. We'll move on to the consent agenda. Can I get a motion?

LARRABEE: Motion to approve the consent agenda.

WATTS: Second.

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

PADGETT-ESPIRITU: Councilmember Larrabee.

LARRABEE: Aye.

PADGETT-ESPIRITU: Councilmember McMahon.

MCMAHON: Aye.

PADGETT-ESPIRITU: Councilmember Watts.

WATTS: Aye.

PADGETT-ESPIRITU: Councilmember Earle.

EARLE: Aye.

PADGETT-ESPIRITU: Councilmember Kalivianakis.

KALIVIANAKIS: Aye.

PADGETT-ESPIRITU: Vice Mayor Skillicorn.

SKILLICORN: Yes.

PADGETT-ESPIRITU: Mayor Friedel.

MAYOR FRIEDEL: Aye.

PADGETT-ESPIRITU: Motion passes seven to zero.

MAYOR FRIEDEL: Thank you. We'll move on to our first regular agenda item.

Rachael?

GOODWIN: All right. This item is going to be presented tonight, by John Wesley. He's going to give a very brief background, but I think you guys are pretty familiar with this seeing as how this was on the agenda, I think, three weeks ago.

WESLEY: Yes.

GOODWIN: All right. John, with that, thank you.

WESLEY: Yes. Mayor and Council, just very briefly. Three weeks ago, October 21st meeting, you considered and approved and -- a new development agreement for the Park Place development just down the street. Project the town's been looking forward to seeing develop.

Following that approval, however, the applicant for that approached the town, let us know that they've been working with a new partner in this project that they are working to bring on board here in the -- in the near future. But in doing so this new partner was wanting a little bit more time to be able to look at some of the documents involved, the approved plans and -- and so forth to make sure they are ready to move forward quickly on the project.

While they may be able to make the December 31st deadline that's in the current approval, they may not be able to make that. So they requested that the council consider an extension of the development agreement that was approved a few weeks ago. And they've asked for it to be extended by a year. And so that's what's before you this evening, is consideration of an amendment to that development agreement giving it until the end of December of '26. Any questions of me?

Okay.

MAYOR FRIEDEL: I don't see any. Are there any comment cards, Town Clerk?

PADGETT-ESPIRITU: Yes, Mayor. There are three speaker cards. The first one is Cecil Yates, followed by Bart Shea, and then last will be Christopher Enos.

YATES: Evening, Mayor and Council. Councilor, Clerk. My name is Cecil Yates, 21-year resident, previous Councilmember, Planning and Zoning Commission, and I presently sit on the Economic Development Advisory council.

Without rehashing, I'll be pithy, how we got here. Although it was about five months ago when we asked for the extension of the permits. Right, wrong, or indifferent, the process took us to removing our certificate and took about ten weeks to get the developer's agreement. So although I appreciate the report saying that it was only two

weeks ago that we extended it, that process actually started several months ago.

Consequently, our development partner is no longer with us, but our financial partner is still with us. The financial partner is agreed to come and step into the development role. But as John pointed out, would like some more time. Everyone's anxious to get this going, to get this closed.

During the last ten weeks, we had seven amendments to our internal purchase and sale agreement to get this on track, but unfortunately, we're not able to close. To give you some background on the proof of the concept. As you know, phase one, we paid over \$1,000,000 in material tax, probably about a \$500,000 in permit fees. And just the commerce that's going on over there generates about a half million dollars in revenue to the town. Phase two and three will be very similar.

So your options tonight are pretty much no, let's not give them the extension. And that means we start all over, we lose our financial partner, and everything starts. And we -- we don't know what's going to happen other than we're going to have to start over like we've done several times. If a yes vote, then we close as soon as possible. We already have contracts signed waiting this -- the determination of this council. If you say yes and something else happens because, Lord, I know something happens. It does not hurt the town at all.

So which of those two decisions is -- would you consider business friendly, and -- and not falling into the bureaucracy of government? I encourage you to ask Bart and myself questions. You already know our backgrounds, but I just want to remind you we've had proof of concept. Bart is a master builder. We're both award winning developers.

You're in good hands and we have proof of concept. And I do have the signed amendment for you, Councilor, anticipating a positive response. Thank you.

SHEA: Good evening. Mayor, Council, Councilor, Rachael. Ten years. Ten years in the town of Fountain Hills. I got here with Morningstar, and fought tooth and nail. I have a development agreement, literally, on a retention pond in front of Morningstar.

Nowhere else in town has that ever happened, except for here, to me. Ten years. I've spent \$120,000,000 on the downtown to develop it. And if you look downtown right

now, what used to be dirt now is full of stores, and people living there, and everything else. Like it, don't like it, hate the color, don't like the buildings, whatever it is. I want to remind everyone here, this is private property. This does not belong to the town. The town does not have a dog in this hunt. And Cecil is pretty much right when he said this. This is not the game of chicken. This is not what can we negotiate out of it? This is the end. The absolute end. You see the fences gone. Everything else is done.

The last development department -- development company that came in, Sweetwater, has decided not to go forward because their money is better spent and easily done in other cities, developing multifamily. After the ten weeks on the development agreement and everything else, they opted to pull out because they don't believe they can trust that it's ever going to be done, even though it's signed.

I convinced the financial partners. I had a phone call with the town manager and the mayor with the financial partners who did commit to do it, and I explained to everybody at the time why they couldn't go pull permits at the time. If this does not get extended, they're not coming to the table. It's done. This is not something we can just go back and say, you know, maybe we'll renegotiate it. Maybe we'll go do this.

The fence is down. I own the property. My development partners won't even step foot in this town anymore. They've blown up over this whole thing. And actually, there's only one left, and he's in Hong Kong. So the only representative of the dirt in Fountain Hills, or in Arizona, or in the United States is me. And it ain't going to be a pretty sight for a while. I don't even know how to tell you how much money I've lost trying to get downtown developed in Fountain Hills. How much cash is just gone, and it'll never come back?

These guys are your last choice, not mine. Your last choice. Because if it doesn't, the permits expired. It's \$2.5 million. It's a full redesign again. The development agreement is gone. This town is not known for being conducive to business in as far as development on here. So you're looking at dirt for at least another five or six years minimum on it. If it's not 50 more years because it was 50 years of dirt before I got here. 50 years. 12 different development agreements scraped off of it and how it went.

So I'm out of time and so are we as a town. So that's my presentation.

MAYOR FRIEDEL: State your name, please.

SHEA: Oh, I'm sorry. I got to state my name. How long -- my name is Bart Shea, and I've been in town since 1989. I got married at Shepherd of the Hills. I've owned four homes here. I still do everything here. I live in Goldfield. I still own property here, though.

ENOS: Hi, I'm Chris Enos, I'm a Fountain Hills resident, and I haven't been here as long as Bart, but I felt it important enough to be here to speak with regard to this project and a project that actually was started before I moved in, which was over 11 years ago.

What you're looking at is basically procedural considerations in order to effectuate a development that needs to be done.

So why would you do it? Well, first you look at who. Who's involved? You saw two guys here, reputable people. They're not from Indiana like some developers. They are from Fountain Hills. They are part of this community. They know what's right. They ain't going to do anything that's wrong.

Then you look at what. What is being developed? Well, it's not something out of the blue. It's not something that looks like Scottsdale. It's something that you already have an example of because you got phase one, and that phase has been successful.

So you look at why. Well, it's in keeping with not only phase one, it's in keeping with everything that's been done in this town for the last ten years, at least. And it would be a continuation of that process.

So why? Well, \$140,000,000 reasons are around and those could go away if this is not approved. And then why not? If anybody has a better idea of what to do, maybe you can all come up with it. I doubt that you do, because nobody else has come up with it and -- for the last ten years. So what we're looking at is something that, the only reason you wouldn't is if you want to not have this project. Do you not want the project?

Because if you do not want the project, just come out and so, look, I don't like your project, I think it's full of baloney.

But if you do want it, then you got to facilitate it as a government. You don't want to get in the way. Time destroys deals, and in this case, they need time to put this

together because of other actions that have been taken by this council most recently, which I'm not going to criticize. You're here right now. You can take action to correct anything in terms of timing, and you can take action to allow this developer to go out -- our developer, our town resident developer, to go out and get the proper partnership and financing in place so that this can be finally, at long last, completed. And I really would like to see a ribbon cutting ceremony before the next millennia. Thanks.

MAYOR FRIEDEL: That's it?

PADGETT-ESPIRITU: That is it.

MAYOR FRIEDEL: Any council discussion? Councilperson?

KALIVIANAKIS: Thank you, Mr. Mayor. Yeah. I just wanted to address the -- the fact that I think everybody on the council, the mayor and the six Councilmembers, you know, we are all for this project. And so I think that's important to get on the record because as I do talk to my constituents, they -- they want the project to be done too, you know. It was a couple months ago. We did have some pretty intense negotiations to -- to -- to try to make accommodations on many key points, and I thought we had an agreement. I think it's unfortunate now that we find ourselves back here two months later, and looking for another extension. It says in our packet that the new finance partner, you know, in order to release the funds, get the permits, are looking for this extension. But I think really importantly in our packet it says, well, they may be able to reach the goal prior to December 31st, 2025 this year. Now they're asking for additional time. So I think there has been some consideration that yeah, we might be able to get it done. We're not sure. And so what I, what I'd like to see is let's get it done by the end of the year. Some assurances were made that that's possible. And I -- I think you know, I'd like to see it done sooner than later.

ENOS: Not going to happen by the end of the year, period. You don't have to hire a contractor enough time to hire a contractor to do everything they need to do. It's not going to be done. Thank you.

MAYOR FRIEDEL: It's not open for discussion right now. Councilperson, are you done?

KALIVIANAKIS: Yes, it's done.

MAYOR FRIEDEL: Okay. All right. Thank you. Anybody else? Do we have a motion?

MCMAHON: I'll make a motion. I'll make a motion to not approve Resolution 202531.
Is that the right one?

UNKNOWN SPEAKER: Can she clarify that?

MAYOR FRIEDEL: Can you -- can you repeat that, please?

MCMAHON: Yeah. (Indiscernible) 9A, right? And the suggested motion. But I moved --
I moved to not approve the resolution 202541.

KALIVIANAKIS: I think she's saying not -- not to approve the resolution 202541.

MAYOR FRIEDEL: So there's a motion not to approve the resolution. Is there a second?

MCMAHON: Right. To have them stick -- to have them --

MAYOR FRIEDEL: We have a motion. Is there a second?

KALIVIANAKIS: Second.

MAYOR FRIEDEL: We have a motion and a second. Roll call, vote, please. Oh, I'm sorry.

SKILLICORN: May -- may we have we have a few minutes of discussion? Mr. Mayor, I'd like to ask Councilwoman McMahon to kind of to explain the reason, not just -- and I'm not being argumentative. I'm just -- I just want to hear her argument.

MCMAHON: I really don't have to explain it, but it's been ten years. The constant statement of no funding, and the self-created problem, We entered into, in good faith, entered into an agreement with them in October, and it was agreed -- that they agreed that they would get this done by December 31st. We gave them adequate -- you know, we extended the permit fees and have permits issued on or before the end of this year, which they said they would do, which included using outdated permit ordinance, thereby reducing their fees substantially. The town has always acted in good faith in this matter. We've been hoping against -- seems against hope that this developer would get it developed. They said they would stick to December 25th, and that's what the agreement says right now, and I think it should be upheld.

MAYOR FRIEDEL: Councilman?

WATTS: I think that it's important to honor the original agreement that we had for December 31st, 2025, but that doesn't preclude the continued negotiation and

discussion with our town attorney. If there are other options, if there are other ways that we can ensure or guarantee that the permits are pulled and paid for before the 31st. But I'm not going to be in favor of supporting an extension past 2025, through December 31.

MAYOR FRIEDEL: And I -- and I have kind of the opposite feeling. We want this project done. I'm willing to extend the -- the permits if needed, to help get this project done. Yes, we've been dealing with this for ten years. There's a possibility of getting it done and getting it completed for the town, so I'm. I'm in favor of it, But having said that, I don't see anybody else. Vice Mayor, your light's on?

SKILLICORN: If I'm allowed to ask a question, Mr. Mayor, Town Manager. When's the last meeting for 2025? It's in December. What's the date?

GOODWIN: December 16th.

SKILLICORN: 16th. Kind of a rock and a hard place, I think. And I mean, I don't mind being pragmatic, and knowing there could be issues with financing, and being able to work with people. But there is a motion and a second on the table to wrap it up this year. But if things do fall through, I mean, we do have a plan B that it still could be extended in December. Okay. Thank you.

MAYOR FRIEDEL: No other discussion. Can we get a roll call vote, please?

PADGETT-ESPIRITU: Councilmember Earle?

EARLE: Gee, I'm the first one, darn it. Okay. I'm just confirming the --

MAYOR FRIEDEL: Uh-huh.

EARLE: -- if I. Wait. Aye is to agree with Peggy. Okay. So I want to explain my vote. For tonight, I'm going to say aye at this time, pending more details regarding the matters -- regarding this. And I hope that we can have this back here in December once we learn a little bit more, and we can have this project move forward.

PADGETT-ESPIRITU: Councilmember Larrabee.

LARRABEE: I'll do a one sentence explanation, too, if that's all right. I agree, I think more information needs to be had on both sides. There needs to be more of a conversation on this. So I am voting aye and we hope to see it again in December.

PADGETT-ESPIRITU: Councilmember McMahon.

MCMAHON: Aye.

PADGETT-ESPIRITU: Councilmember Kalivianakis.

KALIVIANAKIS: AYE.

PADGETT-ESPIRITU: Councilmember Watts.

WATTS: Aye.

PADGETT-ESPIRITU: Vice Mayor Skillicorn.

SKILLICORN: I'd like to seal -- see the deal done, sealed and delivered before December, so yes.

PADGETT-ESPIRITU: Mayor Friedel.

MAYOR FRIEDEL: No.

PADGETT-ESPIRITU: We have six ayes, one nay.

MAYOR FRIEDEL: Thank you. Okay. Moving on to regular agenda item B. Rachael?

GOODWIN: Mayor, this item was brought forward by Councilmember Watts with your support to begin to discuss possible direction regarding the filing of comments, as it associates with some new FEC -- FCC rulemaking that was issued in September, essentially. And it's in your packet. It gets rather regulatory. It's a pretty big statement, but essentially it seeks to limit state and local authority over cell towers and other wireless communication facilities. So with that, I'll turn that over for your guys' discussion. Just as a note, this item is agendized for -- for direction to staff. If you choose to make comments, please let us know what those comments should be so that we can get them addressed properly.

MAYOR FRIEDEL: Before we have council discussion, are there any speaker cards on this item?

PADGETT-ESPIRITU: Yes, Mayor, there are. There are three. First up will be Eric Landau, second will be Larry Meyers, and last will be Laurie Troller.

LANDAU: Mayor and council. Good evening. I'm Eric Landau, 27-year resident. I retired here after a 24-year career in wireless telecommunications that ranged from two way radio to microwave transmission systems. I am convinced that there is no risk from

nonionizing radiation at the radio frequencies, which are employed for transmissions supporting such systems.

I urge the council to get ahead of the proposed federal protections for such systems by finally implementing its own regulations permitting 5G technology to be installed in Fountain Hills, and meanwhile, to not oppose the FCC initiative. It's time to put aside the unfounded luddite scare tactics that have been standing in the way of such useful progress. Thank you.

MEYERS: Mayor, Council, staff. Larry Meyers, 44-year resident of Fountain Hills, four years of my life working on this particular issue and I have, among -- among many reasons for us to have our ordinance that regulates this activity, regardless of whether it has harmful health effects on people or not. This town, going back to the very beginning, says utilities should be buried underground. Says so. You don't see any electric lines except for the big 500 kVA lines coming in here.

5G broadband towers are just that. They're broadband. They're utilities. I don't care what the telecoms want to lobby and tell you that they're not. They are. They deserve to be underground. It's not going to hurt anybody with regard to their service. You'll get high -- you'll get just as high speed from having to having it buried underground. And no one deserves to have one of these towers in the right of way, which the town owns, in front of their house.

It's very, very simple. We hired a consultant. We got a report. We hid the report for an infinitum amount of time. We finally released the report. We have a citizen who's worked on this that is probably the premier expert of all of us on this particular topic. We need to take advantage of it. We need to accept the fact that the past town lawyer didn't know squat about this subject. I think the current town lawyer probably will admit she's deficient in her expertise in this area. We need to hire the third-party. The third-party should be the guy we started with because he still owes us some money and he's well down the road. So it would be an efficient spend for us as opposed to going out and getting somebody else.

So I would like to see us craft our own ordinance. Keep the broadband underground.

Forget the little 5G towers in the right of way in the residential area. Stick them on the big poles. I don't care what you do with those. Those are part of the cellular system in town. And let's get this thing done so that we don't continually beat this dead horse. We can move the ball forward. And I would appreciate you guys doing that tonight. Thank you very much.

TROLLER: Good evening Council. Right before the holidays. Hello. Laurie Troller, resident. So on behalf of all the residents concerned about preserving the rights they have when they bought their property and the value to it. And for those who are concerned about the lack of safety these additional towers would add to our town, thanks. Thanks for considering this. This is really, really important. I'll explain that in a second.

So what you're doing is actually joining the voices across the country right now to talk to the federal government and the FCC, and voice your opinion. So what happens is, the FCC doesn't have any say over the law. They can't change it. That's the impression they've always tried to give. This has been a decades long battle. So what the telecoms do is they -- they, with billions of dollars, bribe the FCC to say certain things and then those things, towns who are unknowing say, oh, that's the law, and it's not. The FCC gives their interpretation of the law. The law does not include broadband.

The reason this is important is because the telecoms are trying to build out the broadband on the coattails of the cellular tower laws. So cell towers can go. There's a lot of permissions for cell towers on where they can go. Broadband towers want that same permission. So if everybody thinks broadband and cellular is the same, they'll be able to do it. And it's not. And that's what this is saying. That's what they're trying to get. That's what the telecoms are lobbying the FCC to say right now, which is, they're one and the same, and they're not. They're different technologies.

So thank you for speaking up, being the voices -- part of the voices across the country saying we -- we value our property, and you can't put your equipment on there, and we don't want to be near it, put it, build it safely, bring it to us, do it in a safe manner. We're not saying don't. We're saying bring it in.

So thank you for that. And you know what? On my behalf, and for the residents in this town that follow, and I speak for it's been a rough four years. We had we -- had a mayor that was a mayor, and an attorney that was obstructive in this. Larry just kind of alluded to some of the things that were going on.

So thank you, Mayor Friedel and Council, the majority of the council, for being behind this, and understanding, and appreciating our values, and having respect for that. The Children's Health Defense Organization, I believe, is the one who kind of came to the town and asked for our support on this. I have been following that organization.

There's -- there's two really big ones. There's another one. It's a very -- they're very much sister organizations, very much behind them. They have influence. So our voice -- this is a very big deal that this town gets behind this. I appreciate it. You -- thank God in four years, it's amazing we -- we're here, so thank you.

MAYOR FRIEDEL: Councilman?

WATTS: I don't want to get into the weeds about the merit of -- of whether or not the RF is or not -- isn't harmful. Property values do go up, do go down. What I do want to say is that this is a notice of proposed rulemaking. The FCC has done this numerous times. Each time that it -- it gets some approval at the FCC level, it still has to go to Congress to get approved. It has failed a dozen times that I know of.

The bottom line to this particular one, without getting into the semantics, is real simple. This -- this notice of proposed rulemaking wants to take every -- every initiative away from you. Anything that's discretionary, anything at all. It would eliminate any -- any versatility.

We have worked three, four years from when I was on planning and zoning till now, to get nearly a much better ordinance, and we're on the cusp of doing that today. Staff has worked hard. Staff has also acknowledged that it is an extremely complex, technically, and legally difficult thing to do. And at the last meeting, I asked if we could take what we've got so far, which is real close, and get a third-party to look at it, and I'll call it, tweak it. Make it as tough as you can make it based upon your -- your experience to be able to get the best that we can get for the public. If we don't stand against this

type of an NPRM, then our rights are all gone. We can't do anything. And I think that goes against the sentiment of the town as a whole to protect your property values. If there is something that is RF problematic. We don't have any of that right if we -- if we don't stand up and say something about it. So this is real simple. Give up all of your rights in total, or make a statement at least to try and protect what rights you've got, and what rights we're on the cusp of being able to finalize. Thank you.

MAYOR FRIEDEL: Councilperson.

KALIVIANAKIS: Thank you, Mr. Mayor. I guess my first observation is, I don't know why this is on the agenda tonight. If -- if you've read the -- what the town prepared, all we're looking is to write a letter to the FCC by our town manager, either supporting it or not. This is usually done at the instructions to the -- to the manager at the end of the meeting. So I don't think -- does this actually require a vote for you to send that letter or just a consensus of the council?

GOODWIN: So typically speaking, when we write letters of support or opposition, they have to do with legislative items. And that is an agendized element that comes at the end of our meetings, when the legislature is in session. Because this is not related to a legislative item, as it relates to the State of Arizona, yes, I need direction from a majority that says yes, you would like to send a letter and what it should include. I don't want to speak on behalf of the -- this body without your approval and instruction.

KALIVIANAKIS: Okay. Thank -- thank you for that. And I know this was brought to the attention of the council by the Children's Health Defense, which our speaker discussed. If you just do a casual Wikipedia check, it's an American nonprofit activist organization known for its anti-vaccine advocacy, and one of the main sources of misinformation on vaccinations. It also is a group that has campaigned against the fluoridation of drinking water, and all sorts of these issues that they're involved in. That's who brought this to our attention.

Be that as it may, this is part of President Donald Trump's Build America, eliminating barriers to wireless deployment. President Trump's call across the federal government is to expedite, eliminate, and simplify permitting burdens that inhibit economic

development, job creation, and energy production. It's an attempt to streamline infrastructure rules, which help spur significant investment in network buildout. New infrastructure builds remain essential to this nation's 5G leadership. America consume -- consumers demand more from their mobile networks as wireless data traffics, year over year.

Matter of fact, every year they're expecting a 12 percent annual growth with the introduction of AI. That takes a lot of -- to get going. They also expect to significantly increase demand on mobile networks. Eliminating barriers is -- is actually good -- good public policy. And it's good for America, and it's good for our 5G networks, and it's good for connectivity, which I think we all want. At least I -- I do.

It's to ensure that mobile service providers can keep pace with consumer demands and needs, and we seek to continue the success of the commissioners prior efforts to remove regulatory barriers that would unlawfully inhibit the deployment of wireless infrastructure.

Now they're right, we were mentioned by the FCC by name. And that -- that could be a problem, because what we're doing might not -- might not be lawful. We don't know. The report says it's -- it's questionable. Making more regulations is against the reason I even ran for office. You know, when I was initiating -- helping out the American Humane Society, trying to get electronic and phone medicine to people downstate in the reservation, I asked state rep Alex Kolodin if he would support that. And he said, let me just one question, Brenda. And I'm like, what's that? He says, is it more regulations or less regulations? I said, well, it's less. He said, well, it's a rule of thumb. If it's for less regulations, I'm for it. And that's kind of where I'm at too. The less we regulate, the better it gets.

So I just wanted everyone to know that this is -- could affect our town. If the new rule is put into place, the town might not be able, and this comes from the staff report, the town might not be able to adopt the needed regulations to protect our community, and may even have to repeal some of the protections that we already have in place. And you know, this has been something we've put a lot of hours into. And you know, and

again, we can -- we can write a letter. And I'm not sure if it's going to do any good, but I think it's very sound public policy to support the Build America program initiated by Donald Trump. Thank you.

MAYOR FRIEDEL: And I'll -- and I'll add this. I think the elimination of barriers does not mean giving up local regulatory authority, taking it away from the town. We're not saying we don't want it here. We're saying, come on in, do it the right way. That's all we're saying. So we don't -- we don't need --

KALIVIANAKIS: We were mentioned by name.

MAYOR FRIEDEL: We don't need to give up our local regulatory authority. They've tried that at the State several times. And we don't need to be giving up local authority for our town.

Councilman. Oh, I'm sorry.

LARRABEE: Thank you. Okay. In the last ten minutes, my little blurb went from 30 seconds to another ten minutes, so everybody buckle in. First and foremost, I think that this situation can be a little bit of a case study on how DC works.

What President Trump's initiative is, is a call across the federal government to expedite, eliminate, and simplify permitting burdens that -- that inhibit economic development, job creation, and energy production.

Now, from that statement, people who make a lot of money to do these kind of things come up with this Build America idea that somehow would restrict our ability to put a utility 5G underground along with the rest of our utilities. What I'm trying to get at here, is that we're not restricting your ability to bring 5G into town, so we are not restricting your economic development. Installing it underground, I think arguably probably takes more people than it would setting up the small cell. I don't have the exact numbers on that, so we'll see if that's accurate or not, but I doubt we're losing any jobs.

And last I checked, 5G does not produce its own energy. So what that actually has to do with President Trump's statement is a little bit beyond me, but that is how bureaucracy works, for those who have not been around these people, this is what they do best.

When you get a statement from leadership, the bureaucrat's job is to -- by the time it trickles down to our level --

[LAUGHTER]

LARRABEE: -- by the time it trickles down to our level, it gets very muddled, and it's a lot different than that original intention. And that's what we're seeing here. This is something that would tie our hands as a community from having any input on what 5G does.

Now, yes, I am all for smaller government. I am all for less regulations. But when you're dealing with billion dollar companies and the federal government says just kidding, we're going to take it over, that's a red flag to me, and it should be to you too.

WATTS: Once again --

MCMAHON: May I comment?

WATTS: Once again, the 5G nomenclature has gotten convoluted. The speech about Build America, build the infrastructure, relates specifically to cellular, which we have no objection with. Cellular is not the issue. Broadband is the issue. Broadband has been the issue since day one. It has nothing to do with building out a cellular 5G network.

UNIDENTIFIED SPEAKER: (Indiscernible).

WATTS: They already exist. They're going to continue to take 4G equipment off and replace it with 5G equipment. Its fifth generation, sixth generation, that will continue for in -- in perpetuity.

What does -- what this does is what Councilmember Larrabee said. It completely takes away the town's ability to do anything. They can't even at that point regulate putting camouflage on them. That monstrosity behind the Alamo can all of a sudden be its own creature. You have no ability to camouflage, make things cactus. You have no ability to say you can't put something in a right of way, no ability whatsoever. And this is simply a notice of proposed rulemaking. State your position specifically with regards to the NPRM, opposed or supporting, so that the government doesn't take over your lives.

MAYOR FRIEDEL: Vice Mayor.

SKILLICORN: Thank you, Mr. Mayor.

MAYOR FRIEDEL: I'm sorry. Peggy. -- Peggy was before you.

Peggy.

MCMAHON: Thank you very much. I appreciate it. As we all know 5G cell towers and facilities are regulated by the federal government. We've discussed this numerous times, and they're not going to relinquish their right to govern wireless cell towers or wireless communication facilities, and will periodically adjust their rules, and they might be even more strict.

So I think it might be best for staff to prepare a response. Reply comments to ensure that the FCC preserves the essential state and local authority over wireless infrastructure requirements that safeguard public safety and welfare, reliability, and resiliency of our wireless communication services, and consumer protection, and rights of way.

I also think that we should provide comments that are necessary to advocate for more transparent FCC processes that allow states, and local governments, and telecommunication providers a fair and reasonable opportunity to be heard in any wireless permit disputes or a resolution process.

So I would like to see a letter be written by staff. However, at this time I don't really have specifics on what that would say as far as what significant points we'd want to make. And maybe that's something, if Council decides to have a letter written, that we might want to have a work session on. I'm not sure.

MAYOR FRIEDEL: Thank you, Vice Mayor.

SKILLICORN: Thank you, Mr. Mayor. It does sound like there is a consensus to write a letter. And you know, I just like to point out the FCC works for the people, not the other way around. And it is our -- our -- it is our prerogative to have our \$0.02 heard. And frankly, I believe that they should hear from us, and they should make sure that they do not trample our local authority.

And also kind of -- also, you know, I did hear a -- I didn't specifically hear Campanelli's name, but you know, I would love to see more of that Campanelli -- Campanelli report and his feedback in our ordinance going forward. I know there's some work to be done

there. But I'm looking forward to that.

I don't think we need a motion, but I think we have quite a consensus to go -- move forward.

GOODWIN: Just to clarify, so it is agendized for a motion, and right now the suggested motion is to move to direct the town manager to prepare a statement opposing the FCC rulemaking. And I can take some of the talking points and the -- you know, notable comments from tonight to -- to prepare that if you -- if you're comfortable with that.

SKILLICORN: So moved.

EARLE: I'll second that. Second to that.

MAYOR FRIEDEL: Okay, did we have a motion and a second? Did you --

EARLE: I thought -- I thought you said you -- someone did make a motion, so second.

MAYOR FRIEDEL: Second. We have a motion and a second.

Town clerk, roll call, please.

PADGETT-ESPIRITU: Councilmember McMahon.

MCMAHON: Aye.

PADGETT-ESPIRITU: Councilmember Larrabee.

LARRABEE: Aye.

PADGETT-ESPIRITU: Councilmember Earle.

EARLE: I just want to explain my vote, because I -- when I look around our town, all I see is saguaros, palm trees, you don't see wires above, and I don't want to see any cell towers in our -- or whatever these towers are in our -- on our property. So I'm a yes.

PADGETT-ESPIRITU: Councilmember Kalivianakis?

KALIVIANAKIS: No. And will we get a chance to see this draft before it gets sent?

GOODWIN: Typically speaking, I'll usually take what your guys' comments are, consolidate them, and send it out. My understanding is time is somewhat of the essence on this. I.e., there are deadlines to be met, so if you are comfortable giving that direction tonight, typically I will send this out, or Angela will help get this drafted out, and we'll share a copy with the council of what was sent. We don't generally come back for editing or other proofing.

KALIVIANAKIS: Okay. I said no.

PADGETT-ESPIRITU: Councilmember Watts.

WATTS: Aye.

PADGETT-ESPIRITU: Vice Mayor Skillicorn.

SKILLICORN: Yes.

PADGETT-ESPIRITU: Mayor Friedel.

MAYOR FRIEDEL: Aye.

PADGETT-ESPIRITU: Motion passes six to one.

MAYOR FRIEDEL: Thank you. Moving on to the next item, C. I'm going to open a public hearing on this item.

Rachael?

GOODWIN: Sure. This item is going to be presented tonight by Farhad Tavassoli, our senior planner, to propose an SUP for a residential unit on the Avenue of the Fountains. I'll turn it over to you.

TAVASSOLI: Thanks, Rachael.

Good evening, Mayor, members of the council. Good -- good to be before you this evening. I'm here to introduce you -- as soon as I open my presentation, I will be introducing you to a special use permit request for six residential units in a commercial zoning district. More specifically, in plat 208, just across the street.

The subject property is a little over a quarter of an acre. At 12,000ft². It is zoned C-2 with two overlays. Currently, the planning -- planned shopping center, and entertainment overlay districts. The general plan designates it as the town center, understandably, and surrounding uses include a mix of vacant properties, as -- as well as some well-established commercial developments, or commercial uses listed here.

Luke Bondy, the applicant for this case here represented by Rose Law Group, is proposing, as I said earlier, six for sale units. Each unit will be approximately a little over 3,100 square feet, which would be a density of about 22 units per acre.

There will be three commercial suites. Those commercial suites would be on the first floor. The residential units would be on the second and third floor. Each of those

commercial suites would be about 950 square feet. As for parking, there will be six private garages provided, two car garages. Access to those garages would be via park -- rather track 208, and there will also be, in addition to that, shared on street parking for commercial -- for the commercial uses.

Architecture, as you can see in the rendering on the lower right. The applicant is proposing a desert modern architectural style. The height will be about just under 40 feet, with a -- with a additional four feet or so for the elevator overrun.

As you can see on the upper right hand corner, you can see the footprint of the proposed conceptual site plan, and the footprint of the proposed building, which will include some covered entryways via the Avenue of the Fountains. And as I said, the garages would be behind the -- behind this building.

Currently, as the zoning ordinance states residential use in the C2 or any commercial district for that matter, is allowed with a special use permit. The parking requirements are one space per 275 square feet for the commercial use. Residential uses require a two and a quarter for each unit, so a total required would be 48 spaces on site. This is met via the track 208 shared lot agreement, as well as the -- the garages that are being provided for the for each of the residents.

Solid waste is required to be within 250 feet, within walking distance. There is currently a refuse container within that distance, but the applicant is working with the Plat 208 Property Owners Association to establish, or to include a dedicated trash receptacle for the inhabitants of the building.

As for public outreach, September 24th was the community outreach effort by -- by the -- the applicant at the community center, in which there were five community members present. That included an informal presentation followed by a question and answer session. There were no written comments and ongoing dialog has continued. Staff hasn't received any opposition -- expressions of opposition, either in writing or in via phone.

Real briefly, our staff analysis concludes that the proposed use is consistent with the general plan and the downtown vision in that it supports mixed use, pedestrian

oriented, or pedestrian friendly development, meets the zoning and overlay district intent, is compatible with the surrounding land uses, and is subject to detailed site plan review following SUP approval.

The commission recommendation last month, October 13th, was in alignment with staff's recommendation with a vote of six to zero recommending approval, subject to the conditions you see here.

With that, I'll conclude my presentation. The applicant is here as well, particularly those -- Rose Law Group, who has a presentation also prepared. Thank you.

MAYOR FRIEDEL: Rachael, do we want to hear the presentation by the applicant?

GOODWIN: Mayor, that's at your --

MAYOR FRIEDEL: Okay.

GOODWIN: -- discretion.

MAYOR FRIEDEL: Sure. Let's do it.

PADGETT-ESPIRITU: Okay.

DEMOSS: Okay. All right. I know you've got a packed agenda tonight, so I'll keep it quick. My name is Samantha DeMoss. I'm with Rose Law Group. I'm here on behalf of Bondy Construction and Design. And my address, 7144 East Stetson.

So I'll just try to only cover the things that I mean, Farhad pretty much covered everything, but this is our -- this is our visual. It's a local developer planning to own, and operate, and property manage the whole thing. Six units. Everyone has a private elevator.

You can see the entrance. So the residents themselves will enter from the back to their private garages that can elevator up to their individual units. And what we're really here for today is to allow that mixed use element to this. So when the application first came to the city, it was going to be eight residential only units. And then we decreased the density, and added the commercial on the bottom to help fit the downtown vision more closely.

And we see this as great for downtown, very pedestrian-oriented. We have a letter of support from the Chamber of Commerce. We've been working with Track 208, and

we're they're waiting for us to finish our entitlements process. But we're well on track for what we need to do to get through site planning with them. And we got unanimous at PNC.

And then there's our neighborhood meeting at the community center. And this is just kind of a general overview of all the area plans that suggest mixed use and growth area for this area. There's our preliminary site plan. As you can see, the everything commercial will be on the pedestrian facing East Avenue, the fountains, and everything to do with residential will be accessed from the back side.

There's -- those are the elevations. Those are the private garages. The side view. There will be a walkway on the sides, so you can get to that Track 208 parking lot, to the East Avenue of the fountains. This is just kind of some visions of something some more similar-ish mixed use developments. This developer's specialty is infill. So -- and then we tried to take inspiration with the design from what's existing on the East Avenue of the fountains. So I won't keep you too long, but I'm happy to answer any questions.

MAYOR FRIEDEL: Vice mayor, your light's on. Do you have a question?

SKILLICORN: Sure. Actually Mr. Mayor, can planner Tavassoli come back up? I'm just -- I'm curious. Actually, I've got a few questions here. So current zoning is C2. What -- what kind of developments are allowed in C2?

TAVASSOLI: Mayor, Councilmember Skillicorn. C2 is, I believe the intermediate commercial zoning designation would typically include office, retail, commercial uses that we typically associate with what's out there right now.

SKILLICORN: And Mr. Mayor, Planner, so retail -- I mean stores, restaurants. Would that be included? Basically you know, facilities that generate sales tax and also create the, you know, the -- the -- the culture that we want downtown or, you know, I know that, you know, I have a vision more for a culinary district. And that's, that's one thing about the current zoning that I really like.

Now, a couple questions about this particular proposal. What's a setback from -- back from -- I'm sorry, Avenue of the Fountains?

TAVASSOLI: Currently, I believe it is a -- a zero-foot setback from the -- from the front

property line.

SKILLICORN: So the -- Mr. Mayor, Planner, the building is going to be right up against the -- the sidewalk? Is that -- do I get that right?

TAVASSOLI: It will be right up against -- well, it would be right up against the -- the property line, and I believe that I'm not quite sure what -- if there's any gap between the sidewalk and the --

SKILLICORN: Okay, but --

TAVASSOLI: -- the proposed building.

SKILLICORN: Mr. Mayor, Planner, so we're up against the right of way, and that -- what's there.

So you know, here is a concern I have here is that, this is a 40-foot building. It's a tall building. Currently there's -- you know, there's nothing there. The parking lot to the east of that is for the bank. It's -- there's no structure there. If you're sitting at that Thai restaurant today, you have a clear view of the fountain. You have a beautiful bill -- view. You have a beautiful view of our Avenue Fountains, the infrastructure we have in place there, the -- you know, this evening the palm trees are lit up. You've got a great view. If we go ahead and do this, now there's a 40-foot building blocking that view.

I know when I moved in here, I -- I -- I still remember the first time I got my hair cut in town, and the lady that was cutting my hair was talking about the tall buildings blocking views, and she told me that in Fountain Hills they weren't supposed to block views, and that -- that resonated with me, and that was something that was important to me.

Furthermore, I saw -- I think there's a -- three commercial suites. What's -- what's the intent for those? Are those going to be commercial, or are they going to be like realtor offices, law offices, you know, or are they actually going to be places that generate sales tax? I mean, are they designed to be retail or restaurant specific?

TAVASSOLI: Mayor, Councilmembers, I don't -- I don't think there have been any dedicated.

SKILLICORN: Okay. So Mr. Mayor, Planner, I just my concern is that we're going to have three, like, micro units there that are not going to lend themselves to, like an amazing

Italian restaurant, or Mexican restaurant, or whatever kind of restaurant. They're going to lend themselves more to, you know, commercial offices, commercial office space is something that is, you know, vacant most of the time. Really isn't going to add any culture or vitality to our downtown.

So instead, we're going to have the possibly vacant offices. We're going to have higher density. We're going to have more traffic. For what? I think that this undermines the -- the -- the vision of the people who started Fountain Hills. It certainly blocks views, brings in more high density, brings in more traffic, and it doesn't add to the culture of vitality there. So I have I have some questions and concerns about this. Thank you.

TAVASSOLI: Yeah.

LARRABEE: Thank you, Mayor. May I ask Ms. DeMoss a couple questions? Thank you.

DEMOSS: Hello. I also have my architect here, if there's any highly technical questions.

LARRABEE: Thank you. I saw you jumping out of your seat on the previous comment. Can you provide more detail on what commercial types are expected in those three units?

DEMOSS: Yeah, we're seeking tenants right now, and we're thinking -- we're hoping to get like a coffee shop as an anchor and then something along the lines of retail. We think the size of these units is perfect for a local small business who wants to, you know, a coffee shop, bookstore, those types of units. And so that's kind of our vision right now, is stuff that supports the -- the tourism atmosphere of the Avenue of the Fountains.

LARRABEE: Thank you.

DEMOSS: Yeah.

LARRABEE: And it sounds like you've listened to Council's previous direction on that area, when we've discussed our overlay districts that, as my fellow Councilmember mentions, we -- we do want things that increase sales tax. And for these units, for the six residential units, can you describe on average -- I understand it's going to be different based off of bedroom count, but what -- what square footage are we looking at per unit?

DEMOSS: Yeah. They're going to be about 3,000 square feet per unit. So their larger units and it's all going to be very private. So you would go up in your own garage, own elevator, you know, we're really looking for tenants that want to participate in the downtown character, and you know, that pedestrian oriented kind of live, work, play element of the downtown. But I have my architect, if there's any questions about the architecture specifically. Yeah.

LARRABEE: Thank you. I did have one more regarding that setback. Do you expect those commercial doors to be right against the sidewalk?

DEMOSS: No.

TAVASSOLI: So just to clarify --

DEMOSS: Yeah, yeah.

TAVASSOLI: Just to clarify, there is a five-foot setback that's consistent with the adjacent building, just down the street, I believe, to the west. So we are matching that same five foot setback, and by code, the doors couldn't swing across the property line. But they need to egress out for occupancy, so the doors would swing out. But they would stay within our property line, so. And then the front doors for the units do face the street as well for the units. So there are pedestrian access for the residents above to be able to engage at the street level, which we thought was a really important part. We didn't want people just coming in their garages and -- and then going right up to their unit. We want to give them the opportunity to be engaging at multiple levels across the building, so.

LARRABEE: Thank you. And -- and I apologize, Mayor. I have one more.

[LAUGHTER]

LARRABEE: For the three commercial, it's looking from your plan as if those are kind of a frontward, I guess, of the building, and then the residents exit looks like it's inset a little bit further. Is that like, just an aesthetic thing, or is that a security decision?

TAVASSOLI: It's both esthetic and security. We wanted to give a little bit of privacy to the residential units, so that there was clearly a distinction between the commercial spaces and the more private entries. So that's why there's a bit of a screening element

and a fence for each of those as you go back to them. And then the glass is really forward to really signify that retail. Same with, you know, again, to consider views and down the -- the avenue. That's why the, the retail is actually stepped out ten feet from the building behind.

LARRABEE: Uh-huh.

TAVASSOLI: So the building itself actually, from floors two and three steps back, another ten feet with a balcony above the retail for each of those units. So again, trying again to bring people closer to the street level and not be a street wall that's right on top of the sidewalk. So we're really trying to be respectful of views and create something that, you know, created some push and play of the facade so that there was some dynamic interest, and not just a very flat stationary facade.

LARRABEE: Thank you. Thank you both so much. That's all I got.

MAYOR FRIEDEL: I'd just like to say, I think this is tastefully done --

LARRABEE: It is.

MAYOR FRIEDEL: -- and it complements our downtown area. And I like the fact that the retail is pronounced. So I think that's a good addition, and our planning and zoning commission voted unanimously, I believe, that night for -- for this project. So I'm -- I'm really in favor of this. I think it's well-designed.

DEMOSS: Thank you, Mayor. Do we have any --

MAYOR FRIEDEL: Councilman.

WATTS: Just two questions.

DEMOSS: Yeah.

WATTS: Behind the stonework on the -- right above the commercial area, is that a seated patio area for the for the residents?

TAVASSOLI: It would be partially, yeah. And then there's -- I'm sorry. Let me step to the mic.

Yes, part of that would be a seated patio area. We likely will have a little bit of mechanical equipment up there screened depending on how we do the HVAC.

Ideally, we'd like to keep everything internal as much as we can so that there's no noise

issues. But you know, we'll be working with our engineers to -- to make sure that, you know, we do the most appropriate system for the building.

WATTS: That was my second question. The mechanical room where the elevator overrun is, is only five feet tall?

TAVASSOLI: What was that? Sorry.

WATTS: The mechanical overrun for the elevator --

TAVASSOLI: Yeah --

WATTS: -- is only five feet tall.

TAVASSOLI: Correct, yeah.

WATTS: So -- so it's going to -- is it going to be a building unto itself, or is it going to be individual, and then facades all around them?

TAVASSOLI: It'll be a small facade all around it. It's got a small stair overrun as well, for the roof deck up there. But what we did was we brought them in on the edges so that again, the visuals would be less -- less noticeable. So if you were to go back to the elevations, you'll see originally we had a continuous linear bar that went from end to end, and we've divided it into three smaller little nodes that extend up to again, try and keep it to the center so that your street views, you don't see it. Doing visual studies that way to kind of your line of sight up, it should be clipped so that it's back further within the perimeter of the building.

WATTS: Seems like a good place to put the mechanical equipment as well from split systems, rather than putting them on a patio where I want to sit, and I'm going to have hot condenser air blowing across me and that sort of thing, so.

MAYOR FRIEDEL: Correct, yup.

WATTS: My bigger concern was the overall height. Is there any seating area on the roof at all?

TAVASSOLI: There is a roof deck up there as well, yes.

WATTS: So are you going to have umbrellas on the roof deck that would take your height from 44 feet to something higher?

TAVASSOLI: No, that would still match the same height, the overrun, because the

parapet height in -- is at 40. So your floor -- your finished floor is going to be -- allow for a ten foot space up there. So the max height would be is 40 -- 44 for everything.

WATTS: Inclusive of an umbrella stand on a table or a seating area?

TAVASSOLI: Yep.

WATTS: Okay.

TAVASSOLI: Yeah. Because we brought the floor down below that. So where you see that top band, the finished floor is actually 48 inches below that.

WATTS: Oh, it's recessed.

TAVASSOLI: Yep.

WATTS: Okay.

TAVASSOLI: Yeah.

WATTS: Okay, thank you.

TAVASSOLI: So we didn't want to have a railing, so we used the parapet to create the visual.

WATTS: Gotcha.

TAVASSOLI: Thanks.

KALIVIANAKIS: Thank you, Mr. Mayor. Yeah. Thank you all for your presentations. Mr. Bondy, thank you for choosing our town, and believing in Fountain Hills to build such a beautiful structure. I hope if this gets approved tonight, you'll find other vacant lots and do your magic, because I think this is going to beautify our downtown. I wish Patrick was from Spack was here because I think he would concur that this this goes directly in line with our strategic plan. With our general plan. I've been to this site on many occasions doing site inspections, and I don't see any site blockage here at all. Matter of fact, it's situated next to a bank, which would be on the right. And then the other side is a big two-story plus building, and that's where Clean Colonic is housed. But their storefronts are on the other side of the building. And there's no -- there's no windows over there. They have banners.

DEMOSS: Uh-huh.

KALIVIANAKIS: And so I -- I don't -- see that there would be any -- any businesses being

blocked. And again, this is really exciting for downtown to get something that's esthetically beautiful, adding a chance for businesses that want to locate here, to locate here, and then have people that want to live here in our downtown. I'm just a big fan.

Thank you.

DEMOSS: Thank you. Councilmember Kalivianakis. I just want to say we still will go through site plan, incorporate staff comments. This is just our land use portion of it, so. But thank you for your time. Is there any more questions?

MAYOR FRIEDEL: I don't think so. I want to see if there's any comment cards.

PADGETT-ESPIRITU: No, mayor.

MAYOR FRIEDEL: No. Okay.

PADGETT-ESPIRITU: Okay.

MAYOR FRIEDEL: I'm going to close the hearing then, and then I'm going to request a motion.

SKILLICORN: Yeah, I'd like to offer a motion to approve.

MAYOR FRIEDEL: I'm sorry.

KALIVIANAKIS: Oh. I'm sorry, dear.

EARLE: That's okay. I'd like to move to recommend approval of the special use permit for up to six dwelling units, all residential units, to be on the second floor, or second and third floor, with the stipulations listed in the staff recommendations.

KALIVIANAKIS: Second.

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

PADGETT-ESPIRITU: Councilmember McMahon.

MCMAHON: Aye.

PADGETT-ESPIRITU: Councilmember Larrabee.

LARRABEE: Aye.

PADGETT-ESPIRITU: Councilmember Earle.

EARLE: Aye.

PADGETT-ESPIRITU: Councilmember Kalivianakis.

KALIVIANAKIS: Aye.

PADGETT-ESPIRITU: Councilmember Watts.

WATTS: Aye.

PADGETT-ESPIRITU: Vice Mayor Skillicorn.

SKILLICORN: No.

PADGETT-ESPIRITU: Mayor Friedel.

MAYOR FRIEDEL: Aye.

PADGETT-ESPIRITU: Motion passes six to one.

MAYOR FRIEDEL: Thank you. We'll move on to agenda item D. I'm going to open a public hearing on this one as well.

Rachael.

GOODWIN: Farhad, it looks like you're going to be up for this one again; is that right?

TAVASSOLI: That's right.

GOODWIN: All right. Just a reminder that this is a presentation. This is regarding legislation that was adopted by the Arizona Legislature, HB 2447, which requires cities and towns to authorize administrative personnel to review and approve design plans based on objective standards. So that's what was brought before you today for your consideration.

Farhad.

TAVASSOLI: Thanks, Rachael, Mayor, Councilmembers.

As Rachael mentioned, this is in response to state legislation that was recently approved, recent being over the summer in which this bill was signed by the governor. And so this bill requires all cities and towns to remove any subjective design guidelines or design standards if they are contained within their respective zoning ordinances, and replace them with objective, measurable standards.

Also, we do this anyway, but the legislation also asks that we allow administrative approval for design review plans -- design review plans, and I'll get to this in a little bit, but design review plans is the language that the -- the statute uses to refer to site plans. So they're synonymous. And kind of as a byproduct, a beneficial byproduct of this would be to maintain high quality, context sensitive development outcomes throughout

the town.

Won't go too far deeply into this, as it might be a little bit repetitive, but all in all, this would eliminate the reliance on the subjective criteria that currently contained in Chapter 19 of the ordinance. And once approved, this would be after the appeal period of 30 days, it will be effective December 31st of this year, as required by the State.

What are objective design standards, real quick, they're not based on interpretation or taste. A lot of the language might suggest that currently in Chapter 19.

It's verifiable by reference to adopted benchmarks or criteria and uses measurable terms such as shall or must, rather than, should or encouraged. Uses numeric values, for example, in -- with respect to architectural materials, there's specific numerical values associated with that, or maybe separation distances. And also specific lists in ratios if they need be included in those architectural review standards.

Examples would include, as I alluded to earlier, facade must include three materials.

That is a -- an objective standard, as well as walkways must be five feet wide, rather than using terms such as shall or should, or rather should or encouraged.

So the -- the current title, I should say, not the old title, is Architectural Review Guidelines. The new title will be Architectural Review Standards. And it reflects the shift, as I mentioned, from discretionary guidance to enforceable standards. And by the way, I do have on hand here. if you -- if the council desires to see it on the screen, a electronic copy of the -- the proposed revisions, if there's any specific revisions that the council may want to refer to.

But here's a summary of the key changes. Section 1901, 1902, includes boilerplate language, and clarifies the purpose and applicability. There were just a few instances of vague language there that was removed, and Section 1903 adds measurable site planning standards, such as walkway widths and reduced stacking distances for drive thrus.

Now, I underline that to make mention of the fact that the Commission pointed out the fact that, in one of the few instances where there was objective language, it was in reference to stacking requirements for drive thrus. The current requirement is 11

vehicles for stacking at a drive-through facility. We looked at, since the commission meeting, we looked at other municipalities and identified common practice was three to four for uses such as pharmacies and banks and for all other uses, about six. In some cases, seven. So that's what we found in the majority of the municipalities here in the valley.

Section 1904 gets really specific about required for facade articulation, color limits -- color limits, and energy efficient features. And by energy efficient features, we are talking strictly architectural features, such as awnings and shade and even roofing materials.

Section 1905 defines landscape quantities, signage integration, and lighting limits. 1906 lists permitted and prohibited materials required for desert compatible colors. And it's kind of an administrative item. Section 1907 clarifies those rules and the -- the appeal procedures.

I mentioned earlier that the legislation uses the term design review plan, which really is another term pointing to the site plan that we reviewed during site plan reviews. And so I've -- we've included a couple definitions in -- in section 1.12 to -- in case it needs any clarification. When one reads chapter 19. And it also ensures consistency in legal clarity with -- with the state legislation, the intended outcomes is to ensure compliance with the state law and provide predictable, consistent review and minimize delays through administrative approvals of these new objective design standards, and preserve the town's quality and, character -- design, quality and character.

Commission recommendation, last month, the commission recommended approval unanimously, in alignment with the staff's recommendation as presented before you. With that, I'll conclude.

MAYOR FRIEDEL: Are there any questions from the council? Seeing none, are there any comment cards on this? Oh. I'm sorry. Of course you do.

WATTS: Of course I do. Thank you.

Farhad, the question about stacking comes up, and three to four. Is that per lane or is it -- I mean, some -- some locales, like I'll use Walgreens as an example, have two lanes, I

believe. Would they have three to four per lane? And then what would they do with the rest of that driveway? Because it's wide open and you could put seven or eight in there. So first off is it three to four per lane or is it the aggregate of seven?

TAVASSOLI: Mayor, Councilmember Watts, it is per lane and municipalities that we've looked at specified that it's regardless of the number of lanes. Yep.

WATTS: Okay. All right. Thanks.

MAYOR FRIEDEL: No comment cards?

PADGETT-ESPIRITU: No comment cards.

MAYOR FRIEDEL: Okay. I'm going to close the public hearing, and then I'll ask for a motion.

WATTS: I move to approve, as submitted.

LARRABEE: Second.

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

PADGETT-ESPIRITU: Councilmember McMahon.

MCMAHON: Aye.

PADGETT-ESPIRITU: Councilmember Larrabee.

LARRABEE: Aye.

PADGETT-ESPIRITU: Councilmember Earle.

EARLE: Aye.

PADGETT-ESPIRITU: Councilmember Kalivianakis.

KALIVIANAKIS: Aye.

PADGETT-ESPIRITU: Councilmember Watts.

WATTS: Aye.

PADGETT-ESPIRITU: Vice Mayor Skillicorn.

SKILLICORN: Yes.

PADGETT-ESPIRITU: And Mayor Friedel.

MAYOR FRIEDEL: Aye.

PADGETT-ESPIRITU: Motion passes unanimous.

MAYOR FRIEDEL: Thank you.

TAVASSOLI: Thank you.

MAYOR FRIEDEL: Okay. Our next agenda item is consideration possible action regarding ordinance 2510 amending the Town Code. Chapter six subdivision ordinance to facilitate development.

Rachael.

GOODWIN: Yes, Mayor. This is along the same topic, but a different presenter tonight. But it's still related to the HB 2447 and the requirements that are outlined there. John, I'll let you take it from there.

WESLEY: Mayor and Council, hopefully you're not getting too tired of HB 2447, but this will be your last presentation on this particular item. We did one a couple of weeks ago because it was kind of quick and easy to get it on a lighter agenda. The change to the zoning ordinance, we're required to go through P&Z Commission. That's why they were brought separately. But this is our last piece here this evening.

So as has been mentioned, the legislature passed this bill and required cities and towns to make some changes in the ordinance to help facilitate development. So you previously looked at the expedited plan review piece. Mr. Tavassoli just presented the changes to chapter 19. The other amendments are in our subdivision ordinance. And so there's two things in particular that were required there, with regard to staff approval and at risk drainage permits.

More specifically, the House bill included these two provisions that are adopted by ordinance. And so land divisions, lot line adjustments, lot size, preliminary plat final plats to be approved by staff, and then at risk drainage plan submittals.

So how did we do that? So the main part was to go through the Code and see where it made reference to P&Z and Town council approving plats, and most of that is in section two of the subdivision ordinance.

I've listed here, the specific places where changes were made, removing planning zoning commission from the process. And with regard to preliminary plats, designated the Development Services Director as being able to approve the preliminary plats, but for the final -- final plat, those would go to the town manager or a designee. And then

there were other miscellaneous changes in other sections to remove wherever it had the reference to things going to Council.

The other main change with regard to state statute, was to allow the at risk submittals for drainage improvements. And so we did that by adding a section to 5.02, a new b, at risk submittals. And so it has a -- four main provisions there, that's being done as required by statute, that at risk does not guarantee final approval. The applicant acknowledges the town is not liable if the plan has to be changed, and that it must comply with other ordinance requirements.

As long as we were in the subdivision ordinance making changes, there were a number of things that just needed update over time that we've kind of had on our back burner, and this provided us an opportunity to do those. There are a number of definitions that aren't needed anymore, that we removed. There were designations to departments, and divisions, and titles that weren't consistent with the organization today. So we updated all those things.

We also have changed our submittal requirements. We no longer require paper and we do it online. So we removed those and changed those to be consistent with current provisions. We corrected the penalty provisions, and the process for naming streets and private subdivisions. We fixed that to also be consistent with current practice.

So that's an overview of all that was in the ordinance. I know it was a long ordinance because there were a lot of scattered changes, but they were all relatively minor and fit within those parameters. Any questions for me?

MAYOR FRIEDEL: Brenda.

KALIVIANAKIS: I'm sorry.

MAYOR FRIEDEL: Oh.

KALIVIANAKIS: It seems I inadvertently --

MAYOR FRIEDEL: Oh, okay.

[LAUGHTER]

MAYOR FRIEDEL: Vice Mayor.

SKILLICORN: Mr. Mayor, Director, Wesley.

So I did hear you say that you can't submit changes by paper anymore. Has any -- how -- when's the last time someone's done it by paper?

WESLEY: Mayor, Councilmember, Vice Mayor, we went to our -- our electronic system in '21 or '22. I think it's '21. So it's been since we went to our Citizen Serve online process.

SKILLICORN: Okay. Mr. Mayor, Director, no one since '21 has submitted by paper, right?

WESLEY: Correct.

SKILLICORN: Okay.

MAYOR FRIEDEL: Any comment cards on this one?

PADGETT-ESPIRITU: No, Mayor.

MAYOR FRIEDEL: Thank you. Okay. I'll look -- I'll look for a motion then, if there's no more discussion.

EARLE: Yeah. I move to approve ordinance 22-10.

WATTS: Second.

MAYOR FRIEDEL: Motion and a second. Can we get a roll call, please?

PADGETT-ESPIRITU: Councilmember Earle.

EARLE: Aye.

PADGETT-ESPIRITU: Councilmember Larrabee.

LARRABEE: Aye.

PADGETT-ESPIRITU: Councilmember McMahon.

MCMAHON: Aye.

PADGETT-ESPIRITU: Councilmember Kalivianakis.

KALIVIANAKIS: Aye.

PADGETT-ESPIRITU: Councilmember Watts.

WATTS: Aye.

PADGETT-ESPIRITU: Vice Mayor Skillicorn.

SKILLICORN: Yes.

PADGETT-ESPIRITU: Mayor Friedel.

MAYOR FRIEDEL: Aye.

PADGETT-ESPIRITU: Motion passes unanimous.

MAYOR FRIEDEL: Thank you.

It's been requested we take a little recess. I think people need to stretch for a minute.

Okay.

[CROSS TALK]

We'll -- we'll take a ten minute recess.

(Recess)

PADGETT-ESPIRITU: We're getting started. Councilmembers, we're getting started.

SKILLICORN: Well, we could -- we could --

PADGETT-ESPIRITU: Thank you.

SKILLICORN: We can't talk to the constituents?

PADGETT-ESPIRITU: Let's get this party rocking and rolling, and the show on the road.

SKILLICORN: No, we're even here tomorrow.

PADGETT-ESPIRITU: What? We're staying till tomorrow?

SKILLICORN: No. You're killing me Allen.

I was going to bring in some energy drinks.

MAYOR FRIEDEL: Please get your seats.

We're going to move on now with agenda item F, consideration of possible action relating to the -- authorizing staff to proceed with negotiating on plat 208.

Rachael.

GOODWIN: Yes. Our development, our economic development director, Amanda Jacobs, is going to give a brief update regarding an initiative related to our downtown strategy. As it relates to plot 208 and some potential negotiations.

With that, Amanda.

JACOBS: Thank you. Manager Goodwin, Mayor, Council.

So for the past two years, staff has been working with the plat 208 board on potentially developing two of their common areas. Things have become a little bit more real. This past year there have been conversations in executive session. I had permission from

our attorney to state that. So again, I know the public sometimes is why are we having these executive sessions? There's a purpose, and when the time is right, we will make it transparent.

And so that's -- why we're here is, again, last year, our council unanimously approved a downtown strategy. It hadn't been updated in 15 years. One of the implementation strategies is to work with plat 208 on the properties we're going to show here.

So you'll see this common area, that's partially owned by plat 208 that is in the middle of Sofrita's and Fearless Kitty. It's a proposed restroom that plat 208 and the town are proposing in this area, and continues to be asked multiple times a month of what is the what is the town doing?

This is just a concept. I repeat, this is a concept.

[LAUGHTER]

JACOBS: This does not mean it's an-- it's the actual. Thanks. There's some laughter.

We need some of that. It's almost 8:00. So property two is between the Zab Thai, and we've talked about placemaking. Sometimes people are like, Amanda, what the heck are you talking about, placemaking? It's creating that sense of place. So if we go back here, there's a couple of bushes, rocks, and dirt. It's not very inviting. And so Vice Mayor Skillicorn, on a previous item regarding plat 208 is -- is we're wanting to revitalize, and get people to our downtown.

So again, these are just concepts of adding tables and chairs. Are there murals? Are there shade structures? Are there lighting where people can gather, where we can activate it and have many concert series, like we're going to do this Thursday with our centennial concerts? So doing more of those, like the concerts on the avenue, just activating in different locations.

So again, these are all just concepts, my friends. And so on October 20th, the Plat 208 board did unanimously move forward to continue negotiations with the town. There was one caveat before their attorney started drafting an agreement, but it was for a representative of Plat, 208, to discuss with the immediate impacted businesses, what our plans are.

I did have their permission last week to one, daylight this, and for multiple reasons is one, again, this has been an executive session. We talk about transparency. Let's show the transparency. Two, come February we will be having a second council retreat. And then so we'll be putting some numbers behind these projects, to get buy in with the council.

And then, of course, before we can do anything, if things continue along this trajectory of -- of positivity, we will bring back forth to this body, that hopefully, mutually agreement of how we're going to use these two spaces. And so hang tight. We'll hopefully have more in the next 60 to 90 days.

With that, Mr. Mayor, happy to answer any questions, receive any comments.

MAYOR FRIEDEL: Any -- any questions? Are there any comment cards on this?

PADGETT-ESPIRITU: No, Mayor.

MAYOR FRIEDEL: Councilwoman Earle.

EARLE: I'd like to move to approve authorizing staff to proceed with negotiating with plat 208 on two potential properties for future town use.

LARRABEE: Second.

MAYOR FRIEDEL: We have a motion and a second. Town Clerk, roll call, please.

PADGETT-ESPIRITU: Councilmember McMahon.

MCMAHON: Aye.

PADGETT-ESPIRITU: Councilmember Larrabee.

LARRABEE: Aye.

PADGETT-ESPIRITU: Councilmember Earle.

EARLE: Aye.

PADGETT-ESPIRITU: Councilmember Kalivianakis.

KALIVIANAKIS: Aye.

PADGETT-ESPIRITU: Councilmember Watts.

WATTS: Aye.

PADGETT-ESPIRITU: Vice Mayor Skillicorn.

SKILLICORN: Present.

PADGETT-ESPIRITU: Mayor Friedel.

MAYOR FRIEDEL: Aye.

PADGETT-ESPIRITU: The motion passes.

JACOBS: Thank you for your support.

MAYOR FRIEDEL: Thank you.

UNIDENTIFIED SPEAKER: (Indiscernible). N n

MAYOR FRIEDEL: I don't --

We'll move on to agenda item G. Consider -- consideration, possible action relating to invoking either a six-month temporary suspension of reports by Mayor and Council, and call to the public.

Town Attorney.

WRIGHT: Yes, Mayor. So this agenda item is in response to a November 4th, 2025.

Fountain Hills resident Bethany Culp delivered a notice of claim to the town. In that claim, she alleges that statements made by not only Councilmembers, but also members of the public, included essential words of Christian theology in violation of the Establishment Clause. So this -- this agenda item is in response to that.

Without addressing the merits of the claim, I am recommending that the council either adopt resolution 2025-42 to -- approving the Fountain Hills Town council Rules of Procedure to amend -- Amended and Restated, which removes the reports by Mayor, Council, and Town Manager, and the call to the public from the Rules of Procedure, or initiate a six month suspension.

The Culp complaint demands the Council implement and adopt procedural safeguards to prevent Councilmembers and members of the public from making comments that include what the complainant claimed were essential words of Christian theology. And so the -- that's why that -- this is the -- these changes to the rules of procedure are an attempt to balance the First Amendment rights of the community against the threats of lawsuits.

Importantly, the Culp complaint seeks to demand the town engage in constitutionally prohibited viewpoint content discrimination by prohibiting speakers from including any

statements of faith, and taking that approach would invite a civil rights complaint and subject the town to potential financial liability.

So this these -- two -- removing these two items, at least temporarily, are reasonably calculated to avoid any potential civil rights complaints if you were to engage in the conduct suggested, and to prevent more abusive complaints on these topics.

So in the draft changes to the rules, so we have both the option to suspend them for six months or to adopt the -- the changes to the rules of procedure -- that the changes to the rules of procedure adopt exactly what I said. And then they also -- so they -- they removed the two agenda items and the document, and make conforming changes to -- other conforming changes.

I also updated the statement of participation that was revised to comport with the existing rules of decorum as specified in rule 6.4 B3, which prohibits applause.

MAYOR FRIEDEL: Thank you.

Vice Mayor.

SKILLICORN: Thank you, Mr. Mayor. I do have a question for the -- our -- our council.

Is --is this your legal advice to pass this?

WRIGHT: Yes, it is.

SKILLICORN: So I'd like to make a motion to approve a -- to approve and adopt resolution 2025-42 approving the Fountain Hills Town Council Rules of Procedure Amended and Restated November 18th, 2025.

LARRABEE: Second.

MCMAHON: I have a comment. I have a comment.

MAYOR FRIEDEL: Go ahead, Peggy.

MCMAHON: Are there any comment cards or -- did you ask that question already?

MAYOR FRIEDEL: That's a -- that's -- that -- that -- that's a question that I'll -- I was going to ask. I was letting you speak first.

MCMAHON: Well, is that how we usually do it?

MAYOR FRIEDEL: Yes.

MCMAHON: Okay. Unfortunately, this is an agenda item, and the rules of procedure

have previously been revised by this council earlier this year, and a few times by the majority on prior councils. That included removing our code of ethics and our ability of a residence to file legitimate ethics complaints against Councilmembers for alleged violations of ethics, all done without shutting down call to the public, or Councilmembers participation reports.

To me, call to the public enables our community members and others to stand before council and participate in their government by communicating their concerns in person, even when making personal attacks against Councilmembers that include lies, and misstatements, and threats of lawsuits.

I know like other Councilmembers, I've been repeatedly attacked numerous times over the years. But you know, the -- we didn't shut down call to the public because of that. And even at the last council meeting when Beth stood before council and respectfully provided notice of her intent to file a lawsuit alleging violations of the Establishment Clause by certain Councilmembers and members of the public, that should not have been allowed, in my opinion, by the Mayor. Yet you did nothing to stop the inappropriate religious statements and Bible quoting.

Thereby, I think you've created the situation we're now addressing. And I don't think shutting up call to the public and council reports is -- I just think it's unnecessary and without merit. Also, merely because a few members of council have intentionally misused the purpose of the Councilmembers statements of participation reports for personal use. and I'll go and say it. religious use, should not mean that all of us on council should be prevented from making our professional reports.

Such statements of participation also do not impede the town attorney's ability to perform her responsibility to analyze a customary legal complaint lawsuit filed by one of our residents, or prepare a draft of the rules of procedure.

Further developers, and like I said before, other people have stood before Council and literally threatened lawsuits, and we didn't shut down call to the public, or our ability as Councilmembers to report on our responsibilities and what we're doing for the town. The prior mayor did not overreact and shut down call to the public, and the prior town

attorney also never asked to shut down -- it down while he was performing his everyday legal duties to the town.

To me, like I said, this is overreaching and a needless request to abridge public participation by preventing our residents from participating in and with their government, and holding Councilmembers accountable at an open and noticed meeting. The majority on council, like I said, removed our needed code of ethics and the ability for our residents and others to file ethics complaints, and now may -- may remove the call to the public. I am concerned that those who participate in our government, through call to the public, will speak to Council by the only formal means available to them. Filing more complaints with the AG's office and lawsuits to have their voices heard and hold our council accountable, including myself.

I don't think that that is the result that we are seeking here tonight, but it -- but it could happen. And even though the statutes don't mandate that we have called to the public, it doesn't matter. We have always had call to the public, and we have not suspended it nor removed it, especially for what I think are self-interest reasons stated in the agenda prevent people from saying things that may not be to your liking. To me, it's shutting the town up for more -- it's setting the town up for more complaints and lawsuits, which we can't afford.

And lastly, I can't help but think how convenient this is to obstruct and remove call to the public and council statements of interest in an election year, which to me is self-serving by the mayor and the town attorney at the expense of our residents right to participate, and stand before its own government.

UNIDENTIFIED SPEAKER: What happened?

MAYOR FRIEDEL: No disruptions. No disruptions are allowed during this meeting. I'm going to ask you all to leave, or I'll shut this meeting down right now.

UNIDENTIFIED SPEAKER: Oh my goodness.

[CROSS TALK]

MAYOR FRIEDEL: Councilwoman Larrabee.

LARRABEE: Thank you. Regarding specifically the council reports, actually tonight we

had a little bit of an example of why this is a conflict. We had Councilmembers that discussed an item that is on the agenda during the council report, which is not something that we're supposed to be doing.

Now, I would very much -- you know, I'm not going to interrogate a fellow Councilmember, and that's not what I intend to do. But through the mayor, I would like to hear the details as to why my fellow Councilmember specifically, what is malicious about me memorializing my friend? I would like to hear the details, really, because that's what was just claimed. That it was for malicious intent. That I spoke about my friend six days after he was publicly assassinated.

Now, understanding that this is legal advice from our attorney, I am voting in favor of this because we can either restrict my ability to talk about faith. We can either restrict what the Councilmembers are able to say in their reports, and therefore their First Amendment right, or we can remove that report and not have ourselves between a rock and a hard place. If you want to restrict what is allowed to be said, including my First Amendment rights, that is not something that we can realistically do because we are not required to have reports, it is best to remove that.

Now, as for call to the public. Frankly, call to the public is intended for the public to give their ideas to the council for things that are not on the agenda. If there is an issue that you feel is not being addressed, if there is an issue that you would like to bring to the council or suggest, that is the original intention of that. Recently, that has been abused, and I'm not afraid to say that. I have had to sit there mere weeks after, again, the horrific death of my friend and mentor, and hear as lies were said about him. I'm sorry, but I'm taking the toy away.

[CROSS TALK]

MCMAHON: I have a comment.

GOODWIN: Actually, Brenda's next.

MAYOR FRIEDEL: Councilperson Kalivianakis.

KALIVIANAKIS: Thank you very much, Mr. Mayor. It's so unfortunate that we have to have this conversation tonight, but we do have to have this conversation tonight. Is

your voice -- is the public's voice welcome in this council or is it not? That's what I'd like to ask. The first order of business we did tonight was take the call to the public and make you poor people wait till the end of the night in order for you to even get to talk. That's just an example of how they really don't want to listen to you. And it happened just tonight.

MAYOR FRIEDEL: Now we're going to take a ten minute recess and --

[CROSS TALK]

(Recess)

MAYOR FRIEDEL: Okay. We'll try this again.

Councilperson.

KALIVIANAKIS: Thank you, Mr. Mayor. It seems to me -- is -- this is going to be a Fountain Hills only deal because all throughout the country, towns -- cities and towns everywhere have the call to the public. The call to the public is the bond that we have with you, okay. Our constituents right, left, and center, okay. To hear what you have to think. What you think we should be doing.

We had a call to the public for Italian American Heritage Month, and the -- the -- the fountain was changing colors because it's called to the public. Asked, could you do that for Italian Heritage Month? That was initiated on the call of the public, and that was a good job.

MAYOR FRIEDEL: Actually, it was not.

KALIVIANAKIS: And that was a good job for us listening, I think Steve Baglio asked for it.

MAYOR FRIEDEL: Actually, it was not.

KALIVIANAKIS: Yeah, well --

MAYOR FRIEDEL: It was before that.

KALIVIANAKIS: We'll pull the tape on that. Anyway, I'd appreciate not being interrupted and -- and proof checked.

Anyway -- and the other part of this is the council reports, you know, us telling you what we've done in between council sessions. I think that's very important because, I told you before, all the committees I'm on, I want you guys to know I'm working hard for

you. And I think -- I think we all should be telling you what we've been doing in between council sessions. I do a lot, and it's never -- it's not reported in the newspapers. I don't put it on my Facebook page. It's -- it would simply be forgotten unless I have those what used to be unlimited time now two minutes to tell you, the people that voted for me and the people that didn't vote for me, what I've been up to.

So I get to talk to you and you get to talk to us. And that's how this works. The solution by our town attorney when she said, oh, well, this this was just a statement of faith that was made and they're making a big deal out of it. I would say that was not a statement of faith that we witnessed that night. It was proselytizing and it was declaring the Christian Lord the one true God. That is a violation of the Establishment Clause of the Constitution. I went to law school. I studied this, and we should -- we should not be doing that.

MAYOR FRIEDEL: Town Attorney.

Wright: Yeah. If you want to discuss the legal merits, we should step into executive session.

KALIVIANAKIS: I will continue. And so it seems to me that this is not having to do with advice as far as legal advice, but the advice that you did give us was the most conservative advice that you could have given. So conservative it's going to interfere with the relationship between the voters -- the constituents, and the electeds, because it's so conservative. It's stifling the speech that is -- that is what democracy is all about. This is what we're doing. There's no politburo. There's no establishments. There's no elites. It's us listening to you and what you want for your town. Do you want that bathroom? Do you want these services or do you not want them? Would you rather have us spend the money on the roads? And we hear from you all the time, and we set policy based on what we hear from the town, now --

MAYOR FRIEDEL: Council -- Councilperson. Those are all agenda items. People have the right, we're not taking away comments on agenda items at all. And also, just so you know, in the article written by the Arizona Republic, they said that government bodies aren't obligated to provide public comment. That's in their article that I think you were

quoted in.

KALIVIANAKIS: I think I still have the floor. I still have the floor.

MAYOR FRIEDEL: You do.

KALIVIANAKIS: Thank you. I try not to interfere with other speakers and I'd appreciate the same respect.

MAYOR FRIEDEL: That's not true.

KALIVIANAKIS: Now, the impact on what we're doing tonight on local government is going to lead to a decrease in civic engagement, because public participation in government is crucial for a healthy democracy. Removing the opportunity for people to comment will discourage residents from participating in their local government, and even coming here. If we can't speak to you, we're not going to come.

It's going to increase public frustration when residents feel like their concerns are being ignored, or they have no voice in the decision making process. It will lead to increased anger, protest, and more contentious political environment, which is the opposite of what we need in this town. We need heace [sic] and pealing [sic] -- healing and peace. It will also stifle discourse. Criticism of the government is at the core of constitutionally protected speech. Eliminating the public forum can stifle the important debate, lead to an echo chamber, where councils only hear from those people that are on their side, so to speak.

I'll try to wrap it up here, but that's the downside. The upside of keeping the call to the public is enhanced transparency, accountability, and better decisions made through your guidance, the -- the people that elected us, it's going to stifle your voice, stifle your representation. It's going to hold us less accountable because we -- we won't have to sit here and listen to you when we make mistakes. You just won't have a voice.

It'll decrease civic engagement, and it'll decrease the ability for us to identify issues that are important to you. And that's what we should be doing, identifying what is important to you, and the only way we can do that is through this public participation that we have here at the council meeting. Of course, we all talk to people at the Safeway and the bowling alley, but the most effective way is to hear you, and have --

have this discourse late like we have tonight. And so --

MAYOR FRIEDEL: Thank -- thank you.

KALIVIANAKIS: And so lastly, I just have a little more.

Okay. Due respect to you, Gerry, I'll limit my content -- comments, but I just -- I just want to add that I -- I wish this council, because I think I know which way this vote is going, I wish they would consider that this is going to be seen by -- by the public, by the press, and by the people that live here as a trampling of their right to speak to their council. And it's not going to lead to anything good.

MAYOR FRIEDEL: And I will say this we are not missing any inner -- we are not missing any interaction with our -- with our constituents. We have emails, comment cards, social media. You do -- you personally do reports in the Fountain Hills Times every single week, or every other week. So we're not -- we're not missing what people are saying.

KALIVIANAKIS: Can you tell me --

MAYOR FRIEDEL: They're --

KALIVIANAKIS: Can you tell me what you're referring to, because I don't think I have a column in the Fountain Hills?

MAYOR FRIEDEL: Well, it sure seems like it anyway. You have, you have repeatedly --

KALIVIANAKIS: That's a misstatement and a lie.

MAYOR FRIEDEL: No, it's not. You have repeatedly thrown this town and council under the bus numerous times in articles.

KALIVIANAKIS: Because I talk to the media, Gerry.

MAYOR FRIEDEL: No, no.

KALIVIANAKIS: What you're afraid to do --

MAYOR FRIEDEL: No.

KALIVIANAKIS: I speak to the media.

GOODWIN: That's inappropriate. You're inappropriate.

LARRABEE: Point of order.

MAYOR FRIEDEL: We're --

LARRABEE: I thought we were trying not to interrupt people.

MAYOR FRIEDEL: We're -- we're clearing this room right now. This meeting is cleared.

[CROSS TALK]

MCMAHON: What an idiot.

KALIVIANAKIS: He doesn't want to hear call to the public.

MAYOR FRIEDEL: Please clear the room.

[CROSS TALK]

MAYOR FRIEDEL: Clear the room.

[CROSS TALK]

MAYOR FRIEDEL: I'm calling for a recess right now.

[CROSS TALK]

MAYOR FRIEDEL: We're going to recess into executive session. Thank you.

(Recess)

MAYOR FRIEDEL: Town Clerk, do you want to announce the first three speakers?

PADGETT-ESPIRITU: Yes. First up will be Susan DeGennaro -- I know. Okay. And then followed by Crystal Cavanaugh, and then last, Jonathan Phillipe --

UNKNOWN SPEAKER: Phillipe.

PADGETT-ESPIRITU: Phillipe. Thank you.

DEGENNARO: Are -- are we -- okay. Mr. Mayor, Council, staff.

My name is Susan DeGennaro, and I'm a six-year resident of Fountain Hills. A leader is defined as one with the ability to inspire, guide, and influence others toward a shared goal while empowering them to grow. I actually asked the town's AI, Misty, but she had no idea what I was talking about.

For the past few months. I have had the honor of being part of the latest class of the Fountain Hills Leadership Academy. Most of you on the dais are alumni of the program. Councilwoman Earle, Councilwoman Kalivianakis. I knew I was going to screw that up. Councilman Watts, Councilmember Larrabee, and Councilmember McMahon. All of you have been alumni of the program.

I have learned a great deal about leadership in my time in the program. The mayor

himself even came and did a presentation with sections on, quote, working together, and appreciating -- and , quote, --and appreciating our neighbors, residents, and organizations, and staff.

During our time there, it became very apparent that this town runs on volunteers. We do an amazing job here of keeping the residents engaged. In our class, there were a variety of very strong personalities with different opinions that were sometimes expressed, shall we say, passionately. What I came away with was an understanding, to be a good leader, you needed to listen. I also learned that oftentimes when people show their passion, which may be presented as anger, that that anger is not about me, although it may be directed at me. I cannot take it personally. As a leader, it is incumbent upon me to listen, try and understand, and try to help to keep our citizens engaged.

Voting against this measure would show this town and its people that you are the leaders that are forged from our very own leadership academy, that you value transparency, that you value the voices of all the people you represent, especially if they don't agree with you. Other towns do this. So the idea that we are special, and that there is some legal reasons to -- to stop the public from taking part in their government, stands against what we should stand up for. It's overreach, and the idea that my voice is a toy that can be taken away is not indicative of leadership. Thank you.

CAVANAUGH: Crystal Cavanaugh, Fountain Hills resident. I have used the call to public portion myself many times to bring up various topics that were important to many in this community, such as the unrestricted proliferation of drug treatment houses in our residential neighborhoods, iffy behavioral health businesses attempting to come into Fountain Hills, or significant concerns about high density housing with exemptions from following our ordinances. I've also used it to both defend Council and to call out Council regarding town issues, or simply setting the record straight about accusations about myself, or my local PAC.

But call to public has become increasingly weaponized, with organized attacks, legal threats, and misinformation, to the point that it has been disruptive and interferes with

carrying out town business, not to mention negatively affecting the reputation of Fountain Hills.

So sadly, at this point I can understand why the option would be to remove call to public, and to shift to written input from citizens for broader issues, and concerns not on the agenda. Citizens, of course, should still be able to speak to specific agenda items, and if CTP remains, or it would be restarted at some point in the future, I would strongly consider positioning it at the end of the meeting, and I would put it a little sooner. I'd put it before your future agenda items, because perhaps something would come up in that call to public at that time that you might want to address.

As far as discontinuing your reports portion, that seems like a great solution to shortening the meetings. Reports are often repetitive anyway, depending on the events or ribbon cuttings occurring in the period. Council face -- councilmen or women Facebook pages, or our town website may be a great place to submit these weekly updates, if desired. Thank you.

PHILLIPE: Good evening, Mayor Freidel and Councilmembers. My name is Jonathan David Phillipe. I am 13 years old and I am a student at ASU Prep Digital.

My family planted roots in Fountain Hills in 1978 when this was still a young community. I am the fourth generation to call that call this town home. For nearly 50 years, we've witnessed Fountain Hills transform from a desert development into a true community, one built on the voices, dedication and active participation of its residents. That's why we stand before you today in strong opposition to both resolutions the six month suspension of the call to the public, and council report, and even more urgently, the permanent elimination of the general public comment at the town council meetings. This isn't the Fountain Hills way, to suspend or eliminate this forum would fundamentally change the character of our town. It would tell residents that their voices don't matter unless they happen to align with whatever specific agenda items the council chooses to discuss. It would shut out the very people that make this community worth governing. This is why this is the wrong response to the wrong problem. Let's be clear, silencing the entire community is not a proportionate or appropriate

response to one legal complaint. The solution to controversial speech is not to eliminate all speech. The solution to one person's complaint is not to punish thousands of residents by stripping away their democratic rights.

The answer is better -- is better meeting management, clear guidelines, and leadership willing to enforce them fairly and constantly. Not a wholesome retreat from public engagement. Four generations have earned the right to speak. I am learning what it means to be part of this community. What lessons are you teaching myself and my peers, if you tell them that our community voices don't matter, that public officials can simply silence dissent when they when it becomes inconvenient, that democracy is conditional, existing only when it's easy and agreeable?

That's not the Fountain Hills legacy I want to be left. Transparency cannot -- transparency cannot coexist with silence. This looks less like prudent legal risk management and more like circling the wagons. It sends a message that the council is more interested in -- is interested in avoiding criticism than listening to the community it serves.

Fountain Hills residents aren't the problem here. We're not the ones under investigation. We're not the ones who've generated ethics complaints and legal notices. We're simply trying to do what residents have done for decades, hold our elected officials accountable, and have -- have a say in how our town is run. We are not alone in this concern. We've spoken with our neighbors, with friends we've known for 40 years, with newcomers who've moved here specifically because Fountain Hills felt like a real community. The overwhelming sentiment is disbelief and frustration. People feel blindsided. They feel betrayed.

Our request, I urge you to vote no on both resolutions. One, reject the six month suspension of call to the public and council reports. Two, reject the permanent elimination of general public comment [sic] and applause restrictions.

Instead, we ask you to address the specific legal concerns through proper meeting management and clear guidelines. Maintain the democratic traditions that have served this community for nearly five decades. Trust the residents of Fountain Hills to be

thorough, thoughtful, engaged participants in their own governance. Remember that you work for us, not the other way around.

In conclusion, historically, the People of Fountain Hills have always had a voice. Don't be the council that takes that away. Don't be remembered as the leaders who respond to accountability by -- by silencing the community. Don't teach the next generation, my generation, that democracy is something that can be suspended when it becomes inconvenient. We ask you to vote no, to find a better way forward. And remember that the strength of Fountain Hills has always been its people, not in spite of our voices, but because of them. Respectfully submitted for your consideration. I hope you have a good rest of your day. I am very sorry to inform you I missed my rehearsal because of this.

MEYERS: Already called?

PADGETT-ESPIRITU: Yes.

MEYERS: Okay.

Mayor, Council.

So for the record, I'm against getting rid of call to the public, even though I don't generally use it. But I was going to use it tonight because I wanted to address some town business -- get you guys to address staff to take care of some town business. So maybe I'll get to do that.

But I fully recognized that the process has been abused, probably since 2022. I would say. It's been used now to hear about Councilman Skillicorn's speeding tickets, how evil Rod is, attacks on various people on the dais. It doesn't matter who you are, which side you're on, you get attacked.

I don't think that's what call the public was intended to be. Even Councilperson Kalivianakis in her example of the fountain and the Italian lights. To me, that's town business. I would like the fountain to turn the colors of the Italian flag for Italian Heritage Month. Town business. Hearing about how bad the mayor is, how evil Hannah is for having faith and a moral -- and a moral compass is not -- it's not what it was intended to be used for. It was intended to be used for town business.

You want some roads fixed and you're not happy? Say something. You don't like the color of a building downtown? Say something. This mob that has taken over part of this town -- and I will be easy -- it will be easy for me to say that, is the cause of this, not me. I speak to agenda items. This is an agenda item. I don't want call to the public gone away. Quite frankly, if you want to leave it at the end of the thing, you know what? Sit through the whole meeting. You just might learn something, and you might have something to say at the end, at call to the public.

So while I disagree with our council, I think getting rid of call to the public is -- I'm collateral damage. People like me are collateral damage to the children that have ruined this. And these prewritten statements that are read by people and written by other people. That's another abuse of the call to the public. See any notes here? You need to be at least literate enough to speak for yourself, not read somebody else's voice.

I just heard one. I'm sorry for that, young man, but there's no way that that 13-year-old wrote that he read. He -- he's a great reader, and he's a good orator, yes. Hear them? Sorry. That's my opinion. Keep call to the public, put it at the end, and maybe we'll get back to town business. Thank you.

PADGETT-ESPIRITU: And Mayor, I'd like to state for the record that that was Larry Meyers.

MEYERS: Oh, sorry.

PADGETT-ESPIRITU: That's okay. I'll just go ahead and call up Shelby Blecher.

BELCHER: Good evening. Mayor, Town Council, and staff.

My name is Shelby Blecher, Fountain Hills resident. I did write some of this, but I got most of it from the internet on a Google search, so sorry Larry.

I know the agenda item deals specifically with this six-month temporary suspension, but what is the cause that facilitated the need for this agenda item? A Notice of Claim by Beth Culp based on the Establishment Clause of the United States.

Now, I'm no attorney, but I can easily, easily grasp the concepts of this clause. So let me read from what I googled. The Establishment Clause is the first of two clauses in the

First Amendment of the United States Constitution that guarantees religious freedom. It states no -- it states Congress shall make no law respecting an establishment of religion.

Now, the core purpose. The Establishment Clause serves to prevent the government from creating an official state religion or excessively entangling itself with religious institutions. The Supreme Court interpretation intestate, the Supreme Court has used various tests to interpret the Establishment Clause. Historically, the lemon test required a secular purpose, a primary effect that neither advanced nor inhibited religion and avoidance of excessive entanglement.

Other tests have included the endorsement test, focusing on whether a reasonable observer would perceive government endorsement of a religion, and the coercion test, which considers if government action compels religious participation. More recently, the Court has indicated a shift towards interpreting the clause based on historical practices and understandings.

Now, I have never felt compelled -- no one held a gun to my head and said, bow down and pray, sinner. Nor have I ever felt that anyone on the dais was endorsing religion. And for the most part, I'm not a religious man. I stand during invocation simply out of respect for the other people's beliefs.

Personally, I think a reasonable observer would conclude after reading the Culp complaint that it simply doesn't hold up. The bucket is full of holes, based on what I just outlined. So to remove the rights of all of us for even six months while this is sorted out, makes me angry and sad. I'm angry at Culp for once again wasting our time, and sad for all of you, because you will suspend our voices for six months, and lose the opportunity to possibly hear about town, city and state things that may fall under the radar. Like toxic waste coming from Arizona to Los Angeles -- from Los Angeles. I get it once again, it's the one bad apple spoils the whole bunch mentality. So be it. If that's the price the residents of the town have to pay because Culp wants to sue the town for \$1,000 and an apology, then go ahead. Suspend our voices while you sort this out for six months. Thank you.

PADGETT-ESPIRITU: Next up is Katherine Myrick.

MYRICK: Good evening. I'm Katherine Myrick, a Fountain Hills resident. So this morning I was preparing remarks for tonight, and I did prepare them myself. And then I looked back at the agenda, and I realized that this article has changed from just a pause to an entirely new resolution that would cancel public comment entirely. So I looked back at the current rules of procedure, which says the content of the agenda may not be changed less than the Thursday prior to the meeting, except in exceptional circumstances, which left me to wonder if the exceptional circumstances were fear of public backlash, or something else.

Regardless, my comments are similar. I do not understand how you think you can do your job as Mayor and Council if you are not hearing from the citizens you were elected to represent. Similarly, your reports are part of the way that you let us know what's going on and where you're spending your time.

I've been on public boards, I've chaired them, and I know it's not easy listening to those who oppose you, and keeping calm and in control while listening is also not easy. It's also hard to hold the same standards of time and subject matter to those you agree with, and those you don't, but it's what you were elected to do.

Changing the rules so that you no longer have to listen to your constituents may be convenient, but it's not good governance. If we're going to work together, we need to be able to have public dialog about any matter related to Fountain Hills. The proposal today would remove that dialog about anything that you don't see fit to put on an agenda. The current rules of procedure you have are straightforward. They're specific, and they should be easy to follow.

The majority of Ms. Culp's claims referenced in this agenda item would not have come about if the current procedures were followed. Call to the public must be for matters that are within the council jurisdiction, and it's restricted to three minutes. Your reports, two minutes about town events and activities. There's no need to change procedures. You just need to follow them. Thank you.

MAYOR FRIEDEL: All right. We're going to switch out speakers guys so we can get the

next crew in. Thank you. You got that. Yeah, yeah. We're going to switch them out to maintain the order of the meeting, so appreciate it.

[CROSS TALK]

PADGETT-ESPIRITU: Okay. First up we have Eric Landau.

LANDAU: Mayor and Council. Little hectic tonight. Eric Landau, 27-year resident. There is no legitimate need to suspend call to the public, nor the reports here of town officials under the pretext that the pending lawsuit filed by Bethany Culp somehow justifies stifling the public airing of either one, while specifically seeking to silence residents ability to speak on matters of concern. This is simply an irrational pretext to further the current mayor's desire to exercise authoritarian rule in this chamber. It must be rejected. Thank you.

PADGETT-ESPIRITU: Next up, we have Beth Culp.

CULP: My name is Beth Culp, and I am a current resident of Fountain Hills. To my knowledge, this is the first formal notice of claim filed against the town of Fountain Hills for violating the constitutional rights of residents. Historically speaking, it is a one off. The rational response to this isolated claim is not to throw the baby out with the bathwater, and deprive residents of their long standing right to bring their concerns and criticisms to their elected representatives.

I am not buying the town attorney's justification that because my complaint is based on comments made during council reports and during the call to the public, that that justifies suspending the call to the public, or the reports. The violations I complained of in my notice of claim was Councilmember Skillicorn proselytizing, Councilmember Toth proselytizing, and Ben Larrabee using the call to the public to eulogize colleague Charlie Kirk and to proselytize.

So what I see happening now is, two people violated residents constitutional rights. The mayor failed to enforce the rules of procedure that require that calls to the public address matters within the jurisdiction of the council. And since when is it within the jurisdiction of the council to address rage filled eyes of the radical left or the toxic lifestyles of others?

The solution here is not to get rid of the call to the public, or to take away the right of conforming Councilmembers to report on their activities. The solution here was and still is for the mayor, the presiding officer, if they see a Councilmember straying in a report, going into their personal, or their biblical or whatever it is, interests, to use his gavel gently to council a member of the public who is not addressing a matter within the call to the public, to stick to matters within the call to the public.

The solution is not to radically deprive residents of their rights. And I have to say, like many, that I think this is a whole ruse. It's a sham. It's -- it's a total farce to take my complaint -- this is not about my complaint or concern that civil rights would be violated. It's about a mayor who's afraid to take criticism, who knows that if he does face criticism, he is going to lose his temper. He's going to order deputies to clear the room. This meeting was a travesty tonight, and I can only sense that there's more to come. Thank you.

PADGETT-ESPIRITU: Next up is Veronica Homsey.

HOMSEY: Thank you. I'm Veronica Homsey. I'm a resident of Fountain Hills. I came to my first council meeting two weeks ago and was overwhelmed by what I witnessed. The Councilmembers are elected to serve the public. There shouldn't be a priority of a religion, a private agenda, or shutting out others. I have never been in this type of arena before, and I have a lot of experience.

The call to the public, the voice of residents, which brings awareness to the council. It's a necessary temperature check of those whom you were elected to serve, whether you agree with what they say, or not, or whether you like them, or not. Show that you care by allowing them to speak. That's a basic need, a basic right.

Above this, the call to the public is a simple three minutes for a Fountain Hills resident to feel that they matter, that they belong to this community. Such a little thing with a huge impact.

I was a certified mediator through the Superior Court of Arizona, and I mediated community justice course [sic] cases for years. If the council pauses the call to the public for six months, or completely eliminates it, this action will cause a reaction, a

spiraling effect, and we saw that tonight.

Here's what will happen. A significant amount of time and effort will be spent from all of us. Yes, the council too, and by the way, I'm midline on things. So I'm just here because I -- I have to speak up. So it's the council too. Protests, media reports, investigations, legal complaints, lawsuits, campaigns. This negatively impacts every one of us on both sides of this. Every one of you. It tarnishes the reputation of our town, makes it less appealing for tourists, impacts event attendance, and deters from wanting to move to Fountain Hills. I have heard this myself. No one wins.

The council was elected to represent all Fountain Hills residents. For those who do not want to speak, don't speak. For those who do, allow them to use their voice and to feel like a part of this community by maintaining the call to the public. Thank you.

MAYOR FRIEDEL: These guys can switch out again. I appreciate you guys.

UNIDENTIFIED SPEAKER: I'm here for the next one also.

MAYOR FRIEDEL: Oh, you got a card for you.

[CROSS TALK]

PADGETT-ESPIRITU: First up is Wendy Corey.

COREY: Good evening Mayor, Council, everybody.

I'm Wendy Corey. I'm a resident and I'm here tonight as a resident who has officially hit my limit with the monthly performance art that passes for public comment from the same small group that we've all been witnessing in every single meeting. This isn't civic engagement. It's radical political activist theater. That's all they want. Everyone I know believes their goal has never been to help Fountain Hills. Their pattern is so predictable. Arrive early, ready to disrupt, derail the agenda, accuse anyone in leadership of corruption, and then go on social media, and to the downtown paper to claim that they are the victims, crying that they've been silenced. The same choreography every single meeting, every single time.

This behavior isn't limited to these chambers. They extend the rage to also the town community center, where they hung a Trump head last year with nasty writings all across the face. In retaliation to a perfectly fine Republican Club Christmas tree.

Ridiculous. The wreath drew national attention, and that is exactly what they wanted. The pattern, the stunts, the spectacle, the screaming victim, and zero solutions. Never have any solutions. Just theater.

Meanwhile, Mayor Friedel has shown the level of patience that most leaders could only aspire to. He has allowed open dialog, tolerated constant interruptions, and the whole council has endured endless personal attacks, all in the name of fairness. But fairness does not mean allowing the same handful of radical people to hold the entire town hostage.

So when he moves to temporarily suspend call to public because it's being abused every single meeting by the same radical group, that is not censorship. That is responsible leadership, Leadership that is also protecting the integrity of these meetings so that the actual town business can be done.

Let's be honest, the real threat to open government is not the mayor, it's the radical liberals who weaponize public comment to hijack the process, drown out reasonable voices, and turn every meeting into a radical, liberal activist circus. These residents see right -- we, the residents, see right through their antics. I stand with Mayor Friedel and our town council. I stand with order, civility, and adults acting like adults, not these children that were in here tonight. And I sincerely hope that this council recognizes the difference between genuine public participation and deliberate political activist sabotage, because the rest of us see it very, very, very clearly. Thank you.

One more thing, if I still have any time, is we have the agenda items. People can still come up. That's it. They can still speak. Thank you. Good night. And I love what you're doing.

PADGETT-ESPIRITU: Kimberly Bartmann.

BARTMANN: Thanks for letting us come back and speak. I don't know where to start, but everybody's said a lot of great things.

We can agree on supporting the Extended Hands Food Bank. We could agree tonight -- the mayor's veteran of the month, United States Air Force Lieutenant Richard Juetten. We can agree that Make a Difference Day -- Make a Difference Day is something we can

all agree on. We can agree on, you know, economic development. The Turkey Trot. Thanksgiving Day parade. The mayor raising money for people to -- for the Extended Hands Food Bank, for whoever beats him in the race, and I hope that I beat you. But the -- and volunteer organizations. There's so many great things. Parks and rec, hiking trails, views, this wonderful hometown, but this divisiveness and to try to take away our freedoms to speak and share, and for all of you to share. You get to tell us what's going on. We need that right, and please do not take that away. And the negativity, the -- that Skillicorn has said, that he's going around saying that -- that Fountain Hills he said in public that he's the Vice Mayor. He said this is going to be the Charlie Kirk Freedom Center, and he's already using that term. We need to have voices. Thank you.

PADGETT-ESPIRITU: Yes.

MAYOR FRIEDEL: Is that the last speaker?

PADGETT-ESPIRITU: Yes. May I state for the record, the town received 11 written comments, ten with the position against and one with the position for. And that is the last of our speaker cards.

MAYOR FRIEDEL: Thank you.

Councilwoman.

EARLE: I'd like to call the question. Oh, but when I vote?

MAYOR FRIEDEL: Oh yeah.

EARLE: Oh, wait, wait. Can I say something?

MAYOR FRIEDEL: Sure.

EARLE: Because I can't say it later. I am going to be a yes vote on this, but I do want to make a statement that I am requesting that we have a council work session to more thoroughly review and amend the rules of procedure, including considering ways to revisit the call to the public. So I don't want this to be the end of it. I just think we need to get together, get clear on what we need to do, and -- and bring that back at some point, hopefully.

LARRABEE: And I'll second the call to question, but I do have a question. It's been a little bit. What's the motion on the floor?

PADGETT-ESPIRITU: No. There was a motion made earlier. And the motion, Vice Mayor Skillicorn made the motion to approve and adopt resolution 2025-42. And I believe it was seconded by Councilmember Earle.

LARRABEE: It was seconded by me, but I just wanted to make sure which option we were going with. I'm sorry.

PADGETT-ESPIRITU: A.

MAYOR FRIEDEL: So we have a motion and a second. Councilwoman Earle. I agree with you.

MCMAHON: Clarification?

MAYOR FRIEDEL: Excuse me. I was talking. I agree with your suggestion about a work study, or session to review this, to bring it back after further investigation and consideration.

Councilwoman McMahon.

MCMAHON: Thank you. To clarify the motion, please? Because there's a couple of different motions written in the staff report. And in addition, I think that perhaps we should table this, for lack of a better word, right now and move to go into a work session to discuss it further.

PADGETT-ESPIRITU: Mayor, there's technically two motions on the table. The first motion was the one by Councilmember Skillicorn, which is option number A. Then there was a motion to call to question. So we're actually on the motion to call the question because that was done and then seconded --

[CROSS TALK]

MAYOR FRIEDEL: You vote --

MCMAHON: But I'm still -- I still want clarification because A, B, C, D are involved in -- could be involved in the motion.

MAYOR FRIEDEL: Okay. Let's take care.

MCMAHON: So I'm unclear --

MAYOR FRIEDEL: Let's take --

MCMAHON: -- on this call.

MAYOR FRIEDEL: Peggy, let's -- let's take care of the call to question --

MCMAHON: Thank you.

MAYOR FRIEDEL: -- first.

So that motion was made, and was it seconded? Okay.

PADGETT-ESPIRITU: Yes, Mayor.

MAYOR FRIEDEL: All right. So we're going to vote to end discussion. Roll call, please.

MCMAHON: Gerry, excuse me a minute. Are we voting to end discussion or what? Please.

MAYOR FRIEDEL: Yes. The call the question was -- was made and seconded.

MCMAHON: Thank you.

MAYOR FRIEDEL: Roll call please.

PADGETT-ESPIRITU: Councilmember Watts.

WATTS: No.

PADGETT-ESPIRITU: Councilmember Kalivianakis.

KALIVIANAKIS: Aye.

PADGETT-ESPIRITU: Councilmember McMahan.

MCMAHON: No.

PADGETT-ESPIRITU: Councilmember Larrabee.

LARRABEE: Aye.

PADGETT-ESPIRITU: Councilmember Earle.

EARLE: Aye.

PADGETT-ESPIRITU: Vice Mayor Skillicorn.

SKILLICORN: Yes.

PADGETT-ESPIRITU: Mayor Friedel.

MAYOR FRIEDEL: Aye.

PADGETT-ESPIRITU: Motion passes four to two for the call to question.

UNKNOWN SPEAKER: So we'll call the roll call for the --

MAYOR FRIEDEL: Five to two.

PADGETT-ESPIRITU: I'm sorry, five to two. It's long. Long roll call for a long night.

MAYOR FRIEDEL: So we have the original motion and a second on the table right now.

We need a roll call on that please.

WATTS: Have we stopped discussion?

SKILLICORN: I think -- I --

MCMAHON: Again, excuse me --

KALIVIANAKIS: -- think Peggy just wanted to know which one we're voting on.

MAYOR FRIEDEL: Yeah, I think -- so that.

SKILLICORN: There should be a roll call amendment.

MAYOR FRIEDEL: Yeah. Just verify the motion, please. Speak into your microphone. So Peggy can hear you.

KALIVIANAKIS: Did you hear that, Peggy?

MCMAHON: Yes. So the -- the motion is on A to approve -- to adopt a resolution and do away with call to the public, and council comments. Is that it?

MAYOR FRIEDEL: That's correct.

MCMAHON: Thank you.

MAYOR FRIEDEL: Roll call please.

PADGETT-ESPIRITU: All right. Councilmember McMahan.

MCMAHON: No.

PADGETT-ESPIRITU: Councilmember Larrabee.

LARRABEE: Aye.

PADGETT-ESPIRITU: Councilmember Earlee.

EARLE: Aye.

PADGETT-ESPIRITU: Councilmember Kalivianakis.

KALIVIANAKIS: Nay.

PADGETT-ESPIRITU: Councilmember Watts.

WATTS: Permission to explain my vote.

MAYOR FRIEDEL: Go ahead.

WATTS: I think each one of the speakers brought up interesting points, with one exception, that this is not about really curtailing the call to the public. And I do agree,

bringing this back at some point, to look at it, to figure out how we can accommodate, because there's a lot of positive input, good constructive input in the call to the public, and there's a few troublemakers in the audience. And the troublemakers are really the ones I can point fingers at. And if they were sitting right here, that's exactly what I'd do. Because they caused this. They caused it the last meeting. They caused it at this meeting. So I'm going to vote an aye, but I really hope we can bring it back in short order and have conversation that's constructive so that we can figure out how to curtail the poor, if not bad, behavior of the audience.

PADGETT-ESPIRITU: Vice Mayor Skillicorn.

SKILLICORN: Yes.

PADGETT-ESPIRITU: Mayor Friedel.

MAYOR FRIEDEL: And I'm going to explain my vote as well. I think we definitely need to bring it back, and we will in short order, after a work -- work group is put together to get this done. So I -- I'm an aye.

PADGETT-ESPIRITU: Motion passes five to two.

MAYOR FRIEDEL: We'll move on to agenda item H which is consideration and possible action regarding resolution 2025-37, Codification of English as the official language.

Rachael.

GOODWIN: Mayor, this was discussed at our last meeting. This is bringing forth the actual motion to codify the discussion from last time, which is to follow suit with a presidential order that was given regarding English as the official language.

MAYOR FRIEDEL: Vice Mayor.

SKILLICORN: Thank you, Mr. Mayor. So the reason I kind of moved this forward is I just believe it is patriotic to codify President Trump's executive order. And it is a one for two, two for making English the official language in United States. You know, I also think that this honors the democratic process, because back in 2006, the People of Arizona overwhelmingly voted for this. And actually 74 percent of Arizona voters approved this with Prop 103. And that would again make English the official language for the State of Arizona. And really, most importantly, I don't ever want Fountain Hills

residents to -- to call city hall or town hall, and have to press one for English. So I'd like to make a motion to approve as drafted.

LARRABEE: Second.

MAYOR FRIEDEL: Councilwoman Earle.

EARLE: Sorry.

MAYOR FRIEDEL: Oh. Councilperson Kalivianakis.

KALIVIANAKIS: Thank you. Mr. -- thank you, Mr. Mayor.

Last meeting when we this came up for discussion, I said a lot of the reasons that I was against this. I -- I -- I'll let the record stand on this, on that.

This discussion reminds me of a campaign ad from 15 years ago by a failed Alabama gubernatorial candidate named Tim James. His central platform was eliminating non-English driver's license exams, claiming it would save money. He then delivered the line, this is Alabama, we speak English here. If you want to live here, learn it. In such a condescending and hostile tone to sound more like a parody on Saturday Night Live. The subject was unmistakable. I dislike foreigners and I want to make their lives harder to remind them they're unwelcome to me. That's what declarations of official language tend to sound like.

Yes, English is the predominant language in the United States, and it's reasonable to expect individuals to learn the language of the Country they live in for their own benefit, if nothing else. But declaring English as official isn't about practicality. It's about sending a message. It signals formally and deliberately that anyone who speaks English as a second language or struggles with it, like my father, is unofficial. This proposal is a veiled attempt to stigmatize entire segments of our community under the guise of public policy.

Frankly, I find it embarrassing for a town council to even be discussing it. I may be conservative, but I know discrimination when I see it. This is a modern, subtle, bureaucratic version of segregated bathrooms, whites only drinking fountains, yellow stars on jackets, and other forms of state sanctioned exclusion policies that serve no practical purpose other than to formally remind entire groups of people that their

leaders official stance on them is they are less than. Thank you.

MAYOR FRIEDEL: Councilwoman Earle.

MCMAHON: I'd like to comment too.

MAYOR FRIEDEL: Just a second, Peggy.

Councilwoman Earle.

MCMAHON: Thank you.

EARLE: I 100 percent disagree with the councilperson next to me. This is not saying anything bad about anyone else or making them a second class citizen. We all speak English anyway. It's not going to hurt anybody. It's not going to cost the town anything. So I'm going to vote a yes on this.

MAYOR FRIEDEL: Councilwoman -- Councilwoman McMahon.

MCMAHON: Thank you. I also made comments about this, the last council meeting on the record, and I stand on those. I think this is the biggest waste of time in my five years as a Councilmember. It is costing the town time and thousands of tax dollars for our staff to address this, sit in the audience, and attend and listen to this. It is already in our state constitution. There is no need to republish it and embarrass Fountain Hills. It is divisive and it is not democratic. And I will not vote for this.

MAYOR FRIEDEL: Councilwoman Larabee.

LARRABEE: I -- I am gathering my thoughts because I'm frankly done dumbfounded.

Town Manager or Mayor -- asking the town manager. How much money have we spent on this agenda item as of now?

GOODWIN: Let's see.

LARRABEE: Just for the for the record. Okay. The --

GOODWIN: Do you want me to read it?

MAYOR FRIEDEL: Can I go ahead, Councilwoman.

EARLE: So to answer, Councilwoman Larabee, in our agenda item, print out right here.

Fiscal impact. There is no anticipated fiscal impact to the town.

LARRABEE: Okay.

EARLE: So there's no thousands being spent. Not a dime.

LARRABEE: Thank you, Councilwoman. And if you don't mind, Mayor, I do have just a couple more comments.

To expand upon that. Are we hiring any staff to adjust for this? Does anything that we currently do as a town change due to this resolution?

GOODWIN: No. Our processes and procedures won't be affected by this right now.

LARRABEE: Would you consider our current policies -- okay. I'll go there. Would you consider our current policies as, you know, earlier, the metaphor, would you consider us Nazis based off of our current town policy of only using English?

GOODWIN: Actually, I'm not going to answer that.

LARRABEE: You don't actually have to answer that, Rachael. It's okay. I'm just making a joke.

GOODWIN: Thanks.

LARRABEE: But hey, the metaphor was create -- was made by another Councilmember.

I'm just pointing out the ridiculousness of it. As much as I enjoy that, nearly every conversation -- not every conversation, that's unfair. But every meeting, at least one conversation is brought to ad ridiculum, [sic] or however that's allegedly pronounced.

The fact that once a meeting, we have a conversation that goes to the most ridiculous level possible, has got to come to an end. I am so tired of talking about something that does not change anything in our town policy, does not change any of our practices.

It's a resolution to align with English being the official language, which is already how we practice what we do. It puts a barrier to change anything for the future in other languages, but we're not actually changing anything we currently do. And yet my fellow Councilmember compared us to yellow stars and whatever else, I mean --

First of all, and I'm not going to address the fellow Councilmember directly, but I find it incredibly insulting that someone would minimize horrible things in our history down to the level of being equivalent of not changing anything. I don't even know how to fully respond to that, but that's what I got.

MAYOR FRIEDEL: Councilmember --

MCMAHON: I have further comment.

MAYOR FRIEDEL: Hold on.

Councilman Watts.

WATTS: I think it's interesting that we had two agenda items that we had to align with state and federal rules, and we had no problem processing those and passing them. All this does, it's really no harm, no foul. We're aligning pure and simple. So I'd be a vote yes.

MAYOR FRIEDEL: And I think we've probably had enough discussion on this. We've beat it pretty bad.

KALIVIANAKIS: I was kind of called out and I'm not --

MCMAHON: I'd like --

KALIVIANAKIS: -- going to -- I'm not going to defend myself. But I do want to just make a quick statement. Very, very quick statement.

MAYOR FRIEDEL: Peggy, I think we've had enough discussion.

MCMAHON: Please let me -- so I want to clarify the money thing that I said. Because I'm not talking about it costing after the vote. I'm talking about the tax dollars and salaries spent to bring it to the council. And yes, we spent staff time and salaries doing that. And as for Nazi, I'm appalled that you even brought that up.

MAYOR FRIEDEL: Okay. Thank you.

KALIVIANAKIS: And Mr. Mayor, if I may just request one minute and then I'll be finished.

MAYOR FRIEDEL: Make it brief, please. We've -- we've --

KALIVIANAKIS: I will, it's late, I understand that.

PADGETT-ESPIRITU: Speaker cards.

KALIVIANAKIS: Okay. I'll make my quick statement, then we go to speaker cards. But you know, this -- this might sound offensive, some of my language, but this might just go right back to the conversation we had about communicating with residents, call to the public, and listening to people. Because the people that have been in communication with me on this particular agenda item have been numerous, and they have -- have expressed the overtones of racism and this action. And so I'm -- I'm again, just -- just speaking for the people that have talked to me that finds this offensive to them

unnecessary, and they feel like they're being singled out if they don't speak English as a primary language.

MAYOR FRIEDEL: Thank you.

KALIVIANAKIS: Some people might not understand that, but it's a perception in the community that I would like to deal with.

MAYOR FRIEDEL: Okay.

Councilwoman Earle.

EARLE: I'd like to call the question now.

MAYOR FRIEDEL: Well, we --

LARRABEE: But you want to --

MAYOR FRIEDEL: Are there any speaker cards?

PADGETT-ESPIRITU: Yes, Mayor, there is. The town received eight written comments with a position against, and received five cards that would like to -- of people like to speak.

MAYOR FRIEDEL: Okay.

(Pause)

PADGETT-ESPIRITU: All right. First up is Eric Landau.

LANDAU: Mayor and Council, good evening again. This ridiculous, indefensible, and unnecessary resolution from the Council's most reactionary member duplicates existing law and serves only to demonstrate allegiance to a current federal executive order, which rejects anything that can be targeted and attacked as multiculturalism.

Our town government has no legitimate basis to take such action on behalf of an electorate which has not, and would not endorse such an intolerant position. We don't need more bad publicity. English is already designated as the state's official language, as has been noted already by law, and that state law is one which also permits, rather than excludes, use of other languages.

I would also add to my prepared comments a comment with regard to what I've heard here in the past few minutes. This resolution has nothing to do with what its cost might or might not be in dollars to the town. It has to do with what the cost will be to the

message that it sends to the residents, and the rest of the valley, and probably country that's watching.

MAYOR FRIEDEL: (Indiscernible) Please stop.

LANDAU: Thank you. It send -- it sends the wrong message. And we can't afford that to be done. It's unnecessary. It's not our purpose here in town government to try to replicate the messages from the white house, whether you like them or you don't like them. It's got nothing to do with the town government, and it just detracts from the perception that people have of the legitimacy of the town government. So I urge your rejection of resolution 2025-37. Thank you.

PADGETT-ESPIRITU: Next up we have Katherine Myrick.

MYRICK: Good evening, Katherine Myrick, Fountain Hills resident. So as I listen to the discussion about this resolution, I was struck by how many of you are obviously concerned about whether this would have a cost to the town, which makes sense, as budget is one of your major responsibilities, and it's important to do a cost benefit analysis on anything the council is contemplating.

But it seems to me that there's been almost no discussion of benefits and only a very narrow discussion of costs. So let's think about benefits first.

We've established that town staff said this wouldn't change their operations, so no benefits there. And from the discussion last week and this week, the only other benefit I heard mentioned was when Vice Mayor Skillicorn introduced it, saying residents will never have to press one for English when calling town hall, so our benefits are never having to press an additional button to get English.

Let's look at the other side. What would the costs be? Again, discussion sounds like there's no direct costs, no new staff, no reprinting materials. That's great. But what about the indirect costs of this divisive, pointless maneuver? Time. It's been a waste of time for the town attorney to draft the resolution for town staff to agendize and figure staff reports, et cetera, et cetera.

What about our reputation? A resolution like this is not simply codifying federal and state law. It is putting a neon sign over Fountain Hills saying diversity is not welcome

here. Which leads right into my third point. Revenue. As we all know, most of Fountain Hills revenue comes from local sales tax and permitting. We need to be a welcoming community if we're going to attract businesses, residents and visitors.

This resolution is exactly the opposite. This will put a public stain on Fountain Hills that will tarnish our character and cost us tax revenues that we need for all your priorities. Mayor and council, you were elected to do what's best for the town of Fountain Hills and all of its residents, not to waste time codifying federal and state decrees. This resolution is a cost to the town, not a benefit. Please vote it down and move on. Thank you.

PADGETT-ESPIRITU: Next up is Beth Culp.

CULP: I don't have much to add other than to say I believe there is a huge cost to this. Tomorrow you will see Rachael Alexander and other right wing pundits putting Mr. Skillicorn's name out there, saying Allen Skillicorn pushes through an English only resolution in Fountain Hills. And I want to ask you all to seriously consider, when are you going to start taking into consideration the reputation of this town? Do you really want it to be regarded as a right wing haven?

I want to give a brief anecdote. I was at the fair on Sunday and I was leaving, and it was the afternoon, and I was walking down the street with a young couple, and -- and -- and one of the women asked, you know, like where -- where are the porta potties or something. And then I said something and then I -- I said, you know, it's really not very busy here today. And she said, you're right. We've been here in the past and it's been packed even like, at the end of the day. And I was there all three days and it was never very busy. But these two young women said to me that they, in the past had, on the last date of the fair, met friends who came from Scottsdale, and I assume that they were like this couple, I don't know, but they were diverse couple, and one of the women was Hispanic and the other one was not. But one of them said they don't feel safe here. They don't feel safe here. And is that what we want?

We have always been known as a welcoming community, and now we're putting another right wing dog whistle issue on our books. And every one of you, basically that

has addressed the issue has said it does nothing. It changes nothing. The only thing it does, it creates more headlines, more media coverage. Fountain Hills is not only anti-DEI, and anti- the Green New Deal, and anti-road diets, we're also anti people who don't speak English because that is the message. Thank you.

PADGETT-ESPIRITU: Kimberly Bartman.

BARTMAN: Hannah Toth, you mentioned earlier that there is no impact of the codification of the English as an official language. Rick Watts, you said no harm, no foul. But as these other speakers have said, the negativity, the poor reputation, real estate, you know, people that don't want to move here to buy a house. People at the art festival who might not come back if there's a Charlie Kirk statue in this town, or if the community center is named the Charlie Kirk Freedom Center. Somebody might not have their wedding at the community center when it's called the Charlie Kirk Freedom Center.

Visitors and -- and people online are commenting on some of these articles about Fountain Hills and the negativity, and the awful things that have, you know, come about. We don't need this. And people are saying we're going to go right through Fountain Hills. We're not even shopping there. So this is -- there is a cost, a very big cost, like everybody else has said. And some of you, I know you're trying to further your agenda, and you know that it'll -- it'll look good on your, you know, social media. So shame on you.

PADGETT-ESPIRITU: There's no other cards.

MAYOR FRIEDEL: Councilwoman.

LARRABEE: I just wanted to repeat the earlier motion. I'd like to call the question.

MAYOR FRIEDEL: I thought the discussion was over.

WATTS: Yeah.

MAYOR FRIEDEL: We did that already. Yeah. Can we get a -- do we have a motion?

PADGETT-ESPIRITU: Uh-huh.

MAYOR FRIEDEL: And a second?

PADGETT-ESPIRITU: Yes.

MAYOR FRIEDEL: Okay. Can we get a roll call, please?

PADGETT-ESPIRITU: Yes.

Councilmember Earle.

EARLE: Yes.

PADGETT-ESPIRITU: Councilmember Larrabee.

LARRABEE: Aye.

PADGETT-ESPIRITU: Councilmember McMahon.

MCMAHON: No.

PADGETT-ESPIRITU: Councilmember Kalivianakis.

KALIVIANAKIS: Nay.

PADGETT-ESPIRITU: Councilmember Watts.

WATTS: Aye.

PADGETT-ESPIRITU: Vice Mayor Skillicorn.

SKILLICORN: Yes.

PADGETT-ESPIRITU: Mayor Friedel.

MAYOR FRIEDEL: Aye.

PADGETT-ESPIRITU: The motion passes five to two.

MAYOR FRIEDEL: We are now at council discussion and direction to the town manager.

Nothing, nothing.

WATTS: Good job this last weekend.

MAYOR FRIEDEL: Future agenda items.

PADGETT-ESPIRITU: We already talked about the --

MAYOR FRIEDEL: Oh, we already did that. Okay. All right. And then we've got call to the public. Call of the public?

WATTS: We should do it.

LARRABEE: Yeah. Yeah.

MAYOR FRIEDEL: Do you have any speaker cards for the call of public?

PADGETT-ESPIRITU: I think we've already moved on from that.

WATTS: Oh.

PADGETT-ESPIRITU: Yes, Mayor. We -- we have six speaker cards.

(Pause)

PADGETT-ESPIRITU: And so first up is Crystal Caverns.

CAVERNS: Crystal Caverns, Fountain Hills resident. There is an invocation at the start of most of our meetings. Sometimes it's religious and sometimes it's secular. The town government of Fountain Hills does not require that you believe in the messages.

Doesn't require you to sign up for any religion before you leave town hall, and does not require you to stand up, participate, or even acknowledge an invocation is occurring.

Even AZ Central quoted First Amendment expert Erwin Chemerinsky, Dean of UC Berkeley Law, when he stated that the line between permissible and not permissible religious discussion hinges on whether there's religious coercion, such as the town strong arming the public to adhere to one faith, which clearly did not happen here in Town Hall.

More interestingly, he stated, discussion of religion doesn't violate the First Amendment, but to exclude discussion of religion would actually violate the First Amendment. So for a small segment of folks to be so offended and vocal because they heard some religiously themed words during a unique meeting situation here on September 16th, only six days following the assassination of a well-known figure and Arizonan, a coworker and boss to grieving residents is, to say the least, an overreaction in my opinion.

PADGETT-ESPIRITU: Next up we have Baron Smith.

SMITH: Hello, my name is Baron Smith.

I've been a resident of Fountain Hills for 27 years.

It's come to my attention that certain town Councilmembers have proposed renaming our community center in honor of Charlie Kirk and or erecting a statue of him in a public area, or at least approving of a third-party to do so.

I don't know much about Charlie Kirk, but I understand and appreciate that a lot of people admire him greatly. I think it's nice that people want to honor someone they admire in a way that others can see.

But let's look at this from a different perspective. I greatly admire President Barack Obama, but if I were a town Councilmember, wouldn't it be very selfish of me to propose or approve of renaming the community center after him, or erecting a statue of him in a public place in town? I wouldn't do it because I understand that not all residents feel the same about him as I do. I don't need any of my heroes to have a statue in town. I can be content to honor them in a personal, private way, as opposed to putting it out there for everyone else to see. For not everyone wants to see it. I urge our town Councilmembers to continue honoring Charlie Kirk in private, and with those that are like-minded. To approve of a community center renaming or public statue of Charlie Kirk would be as divisive as doing the same for Barack Obama. Let's not go there. Thank you.

PADGETT-ESPIRITU: Next up is Shelby Blecker.

BLECKER: Good evening again Mayor and town Councilmembers Shelby Blecker, resident of Fountain Hills. I was going to talk tonight about the morally and ethically bankrupt individuals in town that would deny someone the right to grieve, or that would be so disruptive in a public setting as to cause what this has degraded into tonight. But it's late and we're all tired, so I'm going to skip that portion and I'm just going to go to the purple shirt.

So what's with the purple shirt? I wanted to bring awareness to Pancreatic Cancer Awareness Month. Since our town did not recognize this month as such, I wanted to make a statement and hope that next year it will be given recognition.

This is important to me because my wife and I, for over 25 years have served as board members on Concern Foundation for Cancer Research. And this organization has typically raised \$2.5 million in a night for cancer researchers.

I quickly want to share some information on two of the 2024 -- 2026 grant recipients, so bear with me. Caitlin Byrne, PhD, from Oregon Health and Science University, is working on reprogramming suppressive regulatory T cells in the tumor microenvironment. And Yang Chen, PhD, University of Texas MD Anderson Cancer Center, is targeting collagen one homotrimer induced IL18 as a novel therapeutic strategy in pancreatic cancer.

So raising money for cancer research is a very big deal, and I love the work that these people do. There were more grant recipients. These were the two working on cures for pancreatic cancer. Luckily, board members like me get to focus on raising funds and we leave the grant recommendations to our oncology review board.

So thank you all for recognizing this month by wearing purple. And many of you have, many members of the public did tonight. And I hope you'll all join me in making a special donation to Concern Foundation for Cancer Research today. Thank you very much.

MAYOR FRIEDEL: Mr. Larry Meyer. You got one more?

MEYER: I'm going to do it. This way, it's official. Mayor, Council, staff. Is it tomorrow? Anyway thank you for allowing call to the public. Pure town business. I would like to have council direct staff to look into lightning the restrictions on the parking for the two corner lots in the downtown area, which would enhance our ability to create, what I call a fun zone, in Plat 208. Only the commercial portion of whatever building would go there, strictly because the parking restrictions that we have are not conducive to bars, restaurants, music establishments, and entertainment. We need too many parking spaces for them, specifically those two lots. So if you all could direct staff to look into that. It's part of the Economic Development Committee's package, and it would enhance our efforts in Plat 208 downtown. Thank you very much.

PADGETT-ESPIRITU: And for the record, that was Larry Meyers. Next up we have Beth Culp.

CULP: Again, my name is Beth Culp, and I am a resident of Fountain Hills Downhill since Ms. Kavanagh, another speaker, decided to revisit the issue of the constitutionality of that September 16th meeting, I want to make one point that I think people might overlook, and that we're not only dealing with the Establishment Clause here, we're dealing with the Arizona Constitution that has a provision that says no public money or property shall be appropriated for or applied to any religious worship, exercises, or instruction.

The way that has been interpreted by the Arizona courts is that if you are in a public

meeting in a public building, you don't get to proselytize your religion. It's very much more simple than the Establishment Clause. So that means when you are sitting on the dais, and you use a public microphone, and you talk into it, you're using a microphone that's owned by the People of Fountain Hills. When you are recorded by the video recording system, you are using the property of Fountain Hills. That is a limitation that was disrespected on September 16th and is every bit as valid as the Establishment clause, and a lot easier to understand.

So what I would like to suggest, and addressing First Amendment concerns. When you are on the dais, the law is that you are speaking in your official capacity, and you have to abide by the rules that govern you in that official capacity, and that if you, as council persons, want to quote scripture, or discuss rejoicing demons, or if a member of the public wants to speak of staring back into the rage filled eyes of the radical left, then he or she is welcome to take their First Amendment rights to another venue like a church. But when you have a captive audience, and you're in a public building during a public meeting, using public property, you do not have the right to invoke Jesus, or demons, or your faith. It is inherently coercive, and it is unconstitutional.

EARLE: Can I make a motion to adjourn?

MAYOR FRIEDEL: I don't know, can you?

EARLE: Oh, I make a motion to adjourn. Sorry. Okay. Aye.

(Off the Record)

HAVING NO FURTHER BUSINESS, MAYOR GERRY M. FRIEDEL ADJOURNED THE REGULAR MEETING OF THE FOUNTAIN HILLS TOWN COUNCIL HELD ON NOVEMBER 18, 2025, AT 10:06 P.M.

APPROVED:

GERRY M. FRIEDEL, MAYOR

ATTEST:

BEVELYN BENDER, TOWN CLERK

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING MINUTES ARE A TRUE AND CORRECT COPY OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF THE COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA HELD ON NOVEMBER 18, 2025. I FURTHER CERTIFY THAT THE MEETING WAS DULY CALLED AND HELD, AND THAT A QUORUM WAS PRESENT.

BEVELYN BENDER, TOWN CLERK