

Hi Eduardo-

Could you please post the attached comment related to Tuesday's City Council meeting? It is in response to Councilmember Fangary's letter that is already in place.

Thank you.

Ira Ellman

Below are my observations regarding the CrossFit litigation/Councilmember Fangary Letter

- Councilmember Fangary's assertion that the press release is "merely Councilmember Armato's statement" is inaccurate. It includes a summary of the case, a statement from City Attorney Jenkins and a statement from Councilmember Armato. The press release is professional and appropriate.
- Fangary's assertion that Armato's portion of the press release is unprofessional and exposes the city to further litigation due to lack of remorse seems non-sensical (and personal & unprofessional). **Could Fangary's letter be used in court to support CrossFit's case, further hurting the City? It seems inappropriate and irresponsible to attack a fellow councilmember with litigation still pending.**
- Armato's instructions to the affected residents to contact Code Enforcement did not include direction to find fault with CrossFit. From my experience and observations, Councilmembers are regularly approached by residents for guidance on how to deal with issues. The advice given, more often than not, is to directly contact the city department responsible, not the City Manager (Code Enforcement, Commission, Department Head, Police, Fire, etc.).
- Although I agree that the city may have future exposure, the \$120,000 legal fees would have been incurred regardless. CrossFit was hell bent on suing the city, rather than complying with mitigations. An unrelated but ironic aside is that Fangary's frivolous lawsuits against the city have resulted in legal and staff expense of tens, if not hundreds, of thousand dollars.
- Instead of raising a few points of order, Fangary's hatred of fellow Councilmembers is exemplified in his letter. It is also seen often in his vindictive demeanor during City Council Meetings. As a former supporter, Hany's actions are especially disappointing.