



CITY OF SURPRISE
City Council Work Session Minutes
100 North Civic Center Plaza
Surprise, AZ 85374

Tuesday, December 5, 2017 @ 05:00 PM

Call to Order

Roll Call

Vice Mayor Tande called the **Regular City Council Work Session** to order at 05:00 p.m. Surprise City Hall Council Chamber 16000 North Civic Center Plaza Surprise, Arizona 85374 , on **Tuesday, December 5, 2017**. Also in attendance with Vice Mayor Tande were Council Member Winters, Council Member Duffy, Council Member Remley, Council Member Hall, Mayor Wolcott (excused), and Council Member Hayden (excused).

Staff Present: City Manager, Bob Wingenroth, City Attorney, Robert Wingo, and City Clerk, Sherry Ann Aguilar.

Pledge of Allegiance

Call to the Public

Regular Agenda Item - Public Hearing

Regular Agenda Item - Non-Public Hearing

1 - Presentation and discussion on Wireless Facilities located in the Right-Of-Way - NO ACTION

City Planner Hobart Wingard gave a powerpoint presentation regarding this item.

Council Member Hall - Locations of wireless facilities?

Council Member Remley - Multiple, is this one or 5 on top of the street light in the photos? Is it one per provider? How will this work?

Vice Mayor Tande - To put this in context, looking forward and making sure we are competitive, are the providers willing to come out and talk about plans, service, etc? This is also an economic development issue.

2 - Presentation and discussion pertaining to Council Meeting invocations - NO ACTION

City Attorney Wingo gave a powerpoint presentation regarding this item. Invocations and their implications.

- * Gave an overview of invocations with various government entities.
- * First Amendment overview
- * Establishment Clause Challenge
- * Supreme Court rulings Marsh vs. Chambers
- * Cannot advance one religion or belief over another
- * City of Lancaster, CA - Informal practice of prayers - Went to the voters of the City and passed.
- * Town of Greece, upstate New York - Adopted a policy, sued and ruling upheld
- * Outlined a guidance on critical elements of invocation policy.
- * Some jurisdiction chose to have a moment of silence.
- * Open to any religion or beliefs in the community

Council Member Winters - Remley's idea is commendable but there are questions that could open up a can of worms.

City Clerk Aguilar gave a historical overview of having an invocation over the years, agendized, then changed to a moment of silence.

Council Member Remley - Chamber of Commerce - After the pledge we are asked to remain standing for the invocation or moment of silence. Is this unconstitutional?

Council Member Remley - The administrative side of it, would the City Clerk necessarily be responsible for handling the requests for that particular meeting. Could it be organized by the City Manager's Secretary?

Council Member Remley - To set the record straight, I came from a religious background that started the moment of silence, but that doesn't mean that I am prejudice against any other faith.

Vice Mayor Tande - Great presentation, real concise and it's a tough topic. Does open us up to those questions we have to deal with. Would there be a distinction if we don't put in on the agenda, a group of volunteers meet 15 minutes before the meeting and meet out in the courtyard, to say a prayer, is this an option?

City Attorney Wingo - Will be hard to determine if the City is opening up a space for this on City property, it will still implicate the same laws, it will have the City's stamp of approval. Foreseeable some other issues I could see. Will need to analyze this.

Vice Mayor Tande - You gave us a list of options, if Council decided to do status quo, what if we didn't take any action?

City Attorney Wingo - No action needs to be taken.

Council Member Winters - Addressing Vice-Mayor Tande's idea of being outside. Raymond Grimm organized a National Day of Prayer outside of the City Hall area, what is your thought on this?

City Attorney Wingo - You can't form a prayer in the middle of City Hall and obstruct City business.

Council Member Hall - I noticed on Lancaster's policy, it says shortly before the gavel to open the meeting.

Council Member Hall - I think it is worth the discussion, I'm just reticent to have this be a big issue for devil worshipers that wants to speak at one of our meetings.

Council Member Duffy - This is not the same world we live in today, I personally don't have a problem, but I don't want anyone to feel uncomfortable in the meetings. It's a slippery slope, is it worth it?

Council Member Remley - The reason I brought this before us is that I think it did deserve the discussion we are having this evening. The gravity and seriousness of the meetings we are holding, needs to be respected. The residents hold us to a higher standard, and the folks who come here to speak and respect the body that we are. Congress has an invocation for a reason.

Executive Session

Adjournment

Council Member Winters made the motion to adjourn the Regular City Council Work Session of December 5, 2017 at 5:57 PM. Council Member Remley seconded the motion. Five yes votes, two excused (Wolcott and Hayden), motion carried.

Sharon R. Wolcott, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk,

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Work Session of **Tuesday, December 5, 2017.**

Sherry Ann Aguilar, City Clerk,