

**FIRCREST CITY COUNCIL  
REGULAR MEETING  
AGENDA**

**TUESDAY, SEPTEMBER 26, 2023  
7:00 P.M.**

**COUNCIL CHAMBERS  
FIRCREST CITY HALL, 115 RAMSDELL STREET**

**Pg. #**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. PRESIDING OFFICER'S REPORT**
  - A. Police Chief Schaub Introduction & Swearing In Ceremony
  - B. [Centennial Committee Appointments](#) 2
- 5. CITY MANAGER COMMENTS**
  - A. Council Photos Discussion
- 6. DEPARTMENT HEAD COMMENTS**
- 7. COUNCILMEMBER COMMENTS**
- 8. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA** (If you would like to make a public comment, you may speak at the appropriate time using the raise your hand feature or by pressing \*9 on your phone.)
- 9. COMMITTEE, COMMISSION & LIAISON REPORTS**
  - A. Parks & Recreation
  - B. Pierce County Regional Council
  - C. Public Safety, Courts
  - D. Street, Water, Sewer, and Storm Drain
  - E. Other Liaison Reports
- 10. CONSENT CALENDAR**
  - A. Approval of [vouchers](#)/payroll checks 3
  - B. Approval of Minutes: [September 12, 2023, Regular Meeting](#) 13
- 11. PUBLIC HEARING**
- 12. UNFINISHED BUSINESS**
- 13. NEW BUSINESS**
  - A. [Resolution: Pierce County Department of Assigned Counsel](#) 16
  - B. [Memorandum of Understanding: Fircrest Parks & Recreation Foundation](#) 22
  - C. [Resolution: Leavitt Group Insurance Broker Contract Amendment](#) 28
  - D. 2024 Preliminary Budget Presentation
- 14. CALL FOR FINAL COMMENTS**
- 15. EXECUTIVE SESSION**

To Discuss Potential Litigation, pursuant to RCW 42.30.110(1)(i)
- 16. ADJOURNMENT**

Join the Zoom *Dial-in Information: 253-215-8782 Webinar ID: 850 6025 7564 Password: 412467*

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## **FIRCREST CITY COUNCIL AGENDA SUMMARY**

**DATE:** September 26, 2023

**NEW BUSINESS:** Confirmation of Centennial Celebration Steering Committee Appointments

**ITEM 4B:** Centennial Committee Appointments

**FROM:** Mayor Brett Wittner

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**RECOMMENDED MOTION:** I move to confirm the Mayor's appointments to the City of Fircrest Centennial Celebration Steering Committee as follows:

- Councilmember David Viafore – Committee Chair
  - Councilmember Shannon Reynolds
  - Councilmember Nikki Bufford
  - City Manager Dawn Masko
  - Parks & Recreation Director Jeff Grover
  - Events Coordinator Judy Schmidtke
- 

**PROPOSAL:** The City will celebrate its Centennial anniversary of incorporation in 2025. The City Council established the Centennial Celebration Steering Committee at the September 12, 2023 Council meeting. This motion will confirm the Mayor's initial appointments to the Steering Committee. Additional Steering Committee members will be identified and brought forward at a future meeting for appointment.

The Steering Committee is intended to oversee Celebration planning and implementation activities and will be the conduit to provide information to and seek guidance from the City Council.

The Steering Committee will identify working sub-committees to assist with Centennial Celebration planning and implementation. Sub-committees will include members from the community to assist them in carrying out their duties. Sub-committees may include fundraising, historical, community activities & events, marketing/outreach, and/or others necessary to prepare for the centennial year.

# ACCOUNTS PAYABLE

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Accts Pay #	Received	Date Due	Vendor	Amount	Memo
<b>30511</b>	<b>09/12/2023</b>	<b>09/26/2023</b>	<b>4298</b>	<b>AWC Employee Benefit Trust</b>	<b>742.50</b> <b>10/2023 Retired Medical</b>
	521 22 20 01	LEOFF I Medical Premiums	001 000 521	General Fund	742.50 10/2023 Retired Medical
<b>30522</b>	<b>09/13/2023</b>	<b>09/26/2023</b>	<b>10562</b>	<b>Amazon Capital Services</b>	<b>29.72</b> <b>I-Phone Chargers (4 Pack)</b>
	518 81 35 00	Small Tools & Equip - I/S	001 000 518	General Fund	29.72 I-Phone Chargers (4 Pack)
<b>30586</b>	<b>09/20/2023</b>	<b>09/26/2023</b>	<b>10562</b>	<b>Amazon Capital Services</b>	<b>40.74</b> <b>Office Supplies - Central</b>
	518 10 34 01	Office Supplies - Central	001 000 518	General Fund	40.74 Office Supplies - Central
<b>30587</b>	<b>09/20/2023</b>	<b>09/26/2023</b>	<b>10562</b>	<b>Amazon Capital Services</b>	<b>22.62</b> <b>Office Supplies - Admin</b>
	513 10 31 00	Office & Oper Sup - Admin	001 000 513	General Fund	22.62 Office Supplies - Admin
Total Amazon Capital Services					93.08
<b>30535</b>	<b>09/13/2023</b>	<b>09/26/2023</b>	<b>4218</b>	<b>BHC Consultants LLC</b>	<b>10,593.26</b> <b>G22-03 Comprehensive Plan Update thru 08/25/23</b>
	558 60 41 00	Prof Svcs - Planning	001 000 558	General Fund	10,593.26 G22-03 Comprehensive Plan Update thru 08/25/23
<b>30580</b>	<b>09/18/2023</b>	<b>09/26/2023</b>	<b>4278</b>	<b>Budget Batteries Inc</b>	<b>248.13</b> <b>62852D F4 Battery</b>
	548 65 48 12	O & M - Street	501 000 548	Equipment Rent:	248.13 62852D F4 Battery
<b>30546</b>	<b>09/15/2023</b>	<b>09/26/2023</b>	<b>4293</b>	<b>CDW Government Inc</b>	<b>324.27</b> <b>SAA #1903 &amp; #1904 - D. Masko Monitors</b>
	513 10 35 00	Small Tools & Equip - Admir	001 000 513	General Fund	324.27 SAA #1903 & #1904 - D. Masko Monitors
<b>30577</b>	<b>09/18/2023</b>	<b>09/26/2023</b>	<b>4293</b>	<b>CDW Government Inc</b>	<b>3,497.47</b> <b>SAA #1939-1942 - Court Laptop, Docking Station (2) &amp; Server</b>
	594 48 64 02	ERR Capital - Court	501 000 548	Equipment Rent:	3,497.47 SAA #1939-1942 - Court Laptop, Docking Station (2) & Server
Total CDW Government Inc					3,821.74
<b>30525</b>	<b>09/13/2023</b>	<b>09/26/2023</b>	<b>3572</b>	<b>CED</b>	<b>176.20</b> <b>Replacement Lights for Island Beautification (1 for Emerson Island Hit by Car)</b>
	542 80 31 01	Oper Supplies - St Beaut	101 000 542	City Street Fund	176.20 Replacement Lights for Island Beautification (1 for Emerson Island Hit by Car)
<b>30547</b>	<b>09/15/2023</b>	<b>09/26/2023</b>	<b>10229</b>	<b>Casey Civil, PLLC</b>	<b>4,131.55</b> <b>P#68 44th St. Lift Station Professional Svcs. thru June 2023</b>

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594 35 63 03	Project Engineering - Sewer		432 000 594 Sewer Improver	4,131.55	P#68 44th St. Lift Station Professional Svcs. thru June 2023
<b>30563</b>	<b>09/15/2023</b>	<b>09/26/2023</b>	<b>CenturyLink (Lumen LD)</b>	<b>13.95</b>	<b>Long Distance Access &amp; Usage 09/2023</b>
518 10 42 00	Communication - Non Dept		001 000 518 General Fund	13.95	Long Distance Access & Usage 09/2023
<b>30552</b>	<b>09/15/2023</b>	<b>09/26/2023</b>	<b>CenturyLink</b>	<b>657.14</b>	<b>Telecommunications - September 2023</b>
518 10 42 00	Communication - Non Dept		001 000 518 General Fund	215.30	City Hall Alarm & Fax (3) - 09/2023
521 22 42 00	Communication - Police		001 000 521 General Fund	229.10	Police BA/Modem & Fax - 09/2023
531 50 42 00	Communication - Storm		415 000 531 Storm Drain	17.94	PW Alarm - 09/2023
531 50 42 00	Communication - Storm		415 000 531 Storm Drain	18.99	PW Fax - 09/2023
534 10 42 00	Communication - Water Adn		425 000 534 Water Fund (de	17.94	PW Alarm - 09/2023
534 10 42 00	Communication - Water Adn		425 000 534 Water Fund (de	32.50	PW DSL/Telemetry - 09/2023
534 10 42 00	Communication - Water Adn		425 000 534 Water Fund (de	19.00	PW Fax - 09/2023
535 10 42 01	Communication - Sewer Adr		430 000 535 Sewer Fund (de	17.94	PW Alarm - 09/2023
535 10 42 01	Communication - Sewer Adr		430 000 535 Sewer Fund (de	32.50	PW DSL/Telemetry - 09/2023
535 10 42 01	Communication - Sewer Adr		430 000 535 Sewer Fund (de	18.99	PW Fax - 09/2023
542 30 42 00	Communication - Street Reg		101 000 542 City Street Fund	17.94	PW Alarm - 09/2023
542 30 42 00	Communication - Street Reg		101 000 542 City Street Fund	19.00	PW Fax - 09/2023
<b>30519</b>	<b>09/12/2023</b>	<b>09/26/2023</b>	<b>City Treasurer-Tacoma</b>	<b>66,240.67</b>	<b>Fire/EMS - 10/2023</b>
522 20 40 00	Tacoma Contract - Fire		001 000 522 General Fund	19,404.00	Fire - 10/2023
522 20 41 00	Tacoma Contract - EMS		001 000 522 General Fund	46,836.67	EMS - 10/2023
<b>30527</b>	<b>09/13/2023</b>	<b>09/26/2023</b>	<b>Copiers Northwest Inc</b>	<b>21.38</b>	<b>Printer Usage 7/28/23-8/28/23</b>
521 22 45 00	Oper Rentals - Copier - Polic		001 000 521 General Fund	21.38	Printer Usage 7/28/23-8/28/23
<b>30543</b>	<b>09/15/2023</b>	<b>09/26/2023</b>	<b>Copiers Northwest Inc</b>	<b>27.04</b>	<b>Copier Usage 08/14/23-09/13/23</b>
521 22 45 00	Oper Rentals - Copier - Polic		001 000 521 General Fund	27.04	Copier Usage 08/14/23-09/13/23
			Total Copiers Northwest Inc	48.42	
<b>30551</b>	<b>09/15/2023</b>	<b>09/26/2023</b>	<b>Cruse, Margaret</b>	<b>78.00</b>	<b>Library Reimbursement - 1 Year</b>
572 21 49 00	Library Services		001 000 572 General Fund	78.00	Library Reimbursement - 1 Year
<b>30581</b>	<b>09/18/2023</b>	<b>09/26/2023</b>	<b>Daily Journal Of Commerce, Inc</b>	<b>542.40</b>	<b>P#71 Fircrest Athletic Field Improvements</b>
594 76 63 03	Other Improvements - PBCF		301 000 594 Park Bond Capit	542.40	P#71 Fircrest Athletic Field Improvements

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<b>30533</b>	<b>09/13/2023</b>	<b>09/26/2023</b>	<b>9303</b>	<b>Deal, Robert L.</b>	<b>472.10</b>	<b>Police Background Checks (11.25 Hrs) &amp; Mileage 8/16/23-8/31/23</b>
521 22 41 00	Prof Svcs - Police		001 000 521	General Fund	472.10	Police Background Checks (11.25 Hrs) & Mileage 8/16/23-8/31/23
<b>30534</b>	<b>09/13/2023</b>	<b>09/26/2023</b>	<b>3724</b>	<b>Deere &amp; Company</b>	<b>17,218.91</b>	<b>John Deere X750 Signature Series Tractor &amp; 54 Inch Shaft Deck</b>
594 48 64 11	ERR Capital - Parks/Rec		501 000 548	Equipment Rent:	17,218.91	John Deere X750 Signature Series Tractor & 54 Inch Shaft Deck
<b>30579</b>	<b>09/18/2023</b>	<b>09/26/2023</b>	<b>365</b>	<b>Dept Of Labor &amp; Industries</b>	<b>23.40</b>	<b>2nd &amp; 3rd Qtr LNI for Chaplain (59.5 Hrs)</b>
521 22 20 00	Personnel Benefits - Police		001 000 521	General Fund	23.40	2nd & 3rd Qtr LNI for Chaplain (59.5 Hrs)
<b>30564</b>	<b>09/15/2023</b>	<b>09/26/2023</b>	<b>4310</b>	<b>Dept Of Revenue-EXCISE TAX</b>	<b>27,924.84</b>	<b>August 2023 Excise Taxes</b>
514 23 49 00	Miscellaneous - Finance		001 000 514	General Fund	0.53	August 2023 Excise Taxes
518 20 43 01	Excise Tax - Time/Temp Rent		001 000 518	General Fund	3.30	August 2023 Excise Taxes
531 50 44 00	Excise Tax - Storm		415 000 531	Storm Drain	1,529.13	August 2023 Excise Taxes
534 10 44 00	Excise Tax - Water		425 000 534	Water Fund (de	3.02	August 2023 Excise Taxes
534 10 44 00	Excise Tax - Water		425 000 534	Water Fund (de	55.73	August 2023 Excise Taxes
534 10 44 00	Excise Tax - Water		425 000 534	Water Fund (de	13,891.00	August 2023 Excise Taxes
535 10 44 00	Excise Tax - Sewer		430 000 535	Sewer Fund (de	340.21	August 2023 Excise Taxes
535 10 44 00	Excise Tax - Sewer		430 000 535	Sewer Fund (de	6,954.48	August 2023 Excise Taxes
571 20 43 00	Excise Tax - Participation Fee		001 000 571	General Fund	46.51	August 2023 Excise Taxes
576 20 43 00	Excise Tax - Pool Revenue		001 000 576	General Fund	5,100.93	August 2023 Excise Taxes
<b>30576</b>	<b>09/18/2023</b>	<b>09/26/2023</b>	<b>2639</b>	<b>Diaz, Robert</b>	<b>78.00</b>	<b>Library Reimbursement - 1 Year (Julie)</b>
572 21 49 00	Library Services		001 000 572	General Fund	78.00	Library Reimbursement - 1 Year (Julie)
<b>30517</b>	<b>09/12/2023</b>	<b>09/26/2023</b>	<b>5952</b>	<b>Dinwiddie II, Thomas</b>	<b>78.00</b>	<b>Library Reimbursement - 1 Year (Heather)</b>
572 21 49 00	Library Services		001 000 572	General Fund	78.00	Library Reimbursement - 1 Year (Heather)
<b>30505</b>	<b>09/11/2023</b>	<b>09/26/2023</b>	<b>4799</b>	<b>Douglas, Cara</b>	<b>101.63</b>	<b>01-01900.3 - 113 FARALLONE AVE</b>
343 10 00 00	Storm Drain Revenues		415 000 340	Storm Drain	-22.53	
343 40 00 00	Sale Of Water		425 000 340	Water Fund (de	-24.64	
343 50 00 00	Sewer Revenues		430 000 340	Sewer Fund (de	-54.46	
<b>30529</b>	<b>09/13/2023</b>	<b>09/26/2023</b>	<b>7827</b>	<b>Exercise Science Center</b>	<b>50.00</b>	<b>Physical Assessment - R Schaub</b>
521 10 41 00	Prof Svcs - Civil Svc		001 000 521	General Fund	50.00	Physical Assessment - R Schaub

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<b>30530</b>	<b>09/13/2023</b>	<b>09/26/2023</b>	<b>10298</b>	<b>Foley, Meagan M.</b>	<b>225.00</b>	<b>Pro Temp Judge - 9/6/23 (3 hrs) - FMC</b>
	512 51 41 02	Prof Svcs - Pro Temp Judges	001 000 512	General Fund	225.00	Pro Temp Judge - 9/6/23 (3 hrs) - FMC
<b>30550</b>	<b>09/15/2023</b>	<b>09/26/2023</b>	<b>7475</b>	<b>Goodyear Tire &amp; Rubber Company</b>	<b>252.72</b>	<b>Backhoe Tire Repair</b>
	548 65 48 12	O & M - Street	501 000 548	Equipment Rent:	42.96	Backhoe Tire Repair
	548 65 48 14	O & M - Water/Sewer	501 000 548	Equipment Rent:	209.76	Backhoe Tire Repair
<b>30542</b>	<b>09/14/2023</b>	<b>09/26/2023</b>	<b>3666</b>	<b>Grainger Inc, Dept 826129041</b>	<b>202.67</b>	<b>Air Filters - Rec</b>
	571 10 31 01	Oper Supplies - Rec	001 000 571	General Fund	202.67	Air Filters - Rec
<b>30540</b>	<b>09/14/2023</b>	<b>09/26/2023</b>	<b>6774</b>	<b>Greenleaf Landscaping 1 Inc</b>	<b>5,286.25</b>	<b>Monthly Landscape Service - August 2023</b>
	518 30 41 01	Contract Maintenance	001 000 518	General Fund	3,964.69	Monthly Landscape Service - August 2023
	542 80 49 03	Beautification Services (conti	101 000 542	City Street Fund	1,321.56	Monthly Landscape Service - August 2023
<b>30515</b>	<b>09/12/2023</b>	<b>09/26/2023</b>	<b>1540</b>	<b>Haire, Sandra</b>	<b>78.00</b>	<b>Library Reimbursement - 1 Year</b>
	572 21 49 00	Library Services	001 000 572	General Fund	78.00	Library Reimbursement - 1 Year
<b>30503</b>	<b>09/11/2023</b>	<b>09/26/2023</b>	<b>7163</b>	<b>Hallstrom, Jane</b>	<b>270.33</b>	<b>02-02030.7 - 502 COLUMBIA AVE</b>
	343 10 00 00	Storm Drain Revenues	415 000 340	Storm Drain	-72.86	
	343 40 00 00	Sale Of Water	425 000 340	Water Fund (deç	-53.61	
	343 50 00 00	Sewer Revenues	430 000 340	Sewer Fund (deç	-143.86	
<b>30584</b>	<b>09/19/2023</b>	<b>09/26/2023</b>	<b>10568</b>	<b>Hansen, Terry</b>	<b>78.00</b>	<b>Library Reimbursement - 1 Year</b>
	572 21 49 00	Library Services	001 000 572	General Fund	78.00	Library Reimbursement - 1 Year
<b>30504</b>	<b>09/11/2023</b>	<b>09/26/2023</b>	<b>9252</b>	<b>Harris, Matthew</b>	<b>22.29</b>	<b>03-01970.0 - 445 BUENA VISTA AVE</b>
	343 10 00 00	Storm Drain Revenues	415 000 340	Storm Drain	-8.10	
	343 40 00 00	Sale Of Water	425 000 340	Water Fund (deç	-7.30	
	343 50 00 00	Sewer Revenues	430 000 340	Sewer Fund (deç	-6.89	
<b>30569</b>	<b>09/18/2023</b>	<b>09/26/2023</b>	<b>10203</b>	<b>Henderson, Emara</b>	<b>528.00</b>	<b>Summer Day Camp Leader (8/8/23-8/12/23)</b>
	571 10 31 03	Youth Supplies	001 000 571	General Fund	528.00	Summer Day Camp Leader (8/8/23-8/12/23)
<b>30507</b>	<b>09/12/2023</b>	<b>09/26/2023</b>	<b>2077</b>	<b>Holly, James</b>	<b>123.34</b>	<b>04-01370.0 - 931 ALTADENA AVE</b>
	343 10 00 00	Storm Drain Revenues	415 000 340	Storm Drain	-17.01	
	343 40 00 00	Sale Of Water	425 000 340	Water Fund (deç	-31.78	
	343 50 00 00	Sewer Revenues	430 000 340	Sewer Fund (deç	-74.55	
<b>30585</b>	<b>09/19/2023</b>	<b>09/26/2023</b>	<b>6229</b>	<b>Holt Services Inc</b>	<b>1,101.00</b>	<b>Well #7 -Replaced Old Wire</b>

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534 50 48 01	Rep & Maint - Water Maint		425 000 534 Water Fund (dep	1,101.00	Well #7 -Replaced Old Wire
<b>30514</b>	<b>09/12/2023</b>	<b>09/26/2023</b>	<b>1253 Holzborn, Lavone M.</b>	<b>78.00</b>	<b>Library Reimbursement 1 Year</b>
572 21 49 00	Library Services		001 000 572 General Fund	78.00	Library Reimbursement 1 Year
<b>30537</b>	<b>09/14/2023</b>	<b>09/26/2023</b>	<b>3692 Home Depot Credit Services</b>	<b>7.70</b>	<b>Lock for 44th St Lift Station</b>
535 80 31 00	Oper Supplies - Sewer Gen C		430 000 535 Sewer Fund (dep	7.70	Lock for 44th St Lift Station
<b>30538</b>	<b>09/14/2023</b>	<b>09/26/2023</b>	<b>3692 Home Depot Credit Services</b>	<b>53.31</b>	<b>Concrete for Whittier Tennis Courts</b>
576 80 31 02	Oper Supplies - Parks		001 000 576 General Fund	53.31	Concrete for Whittier Tennis Courts
<b>30578</b>	<b>09/18/2023</b>	<b>09/26/2023</b>	<b>3692 Home Depot Credit Services</b>	<b>-3.35</b>	<b>Credit on account from 8/09/22</b>
369 81 00 00	Cash Over/Short		001 000 360 General Fund	3.35	Credit on account from 8/09/22
			Total Home Depot Credit Services	57.66	
<b>30531</b>	<b>09/13/2023</b>	<b>09/26/2023</b>	<b>9817 Kenyon Disend</b>	<b>1,857.50</b>	<b>Attorney Services - August 2023</b>
515 41 41 01	City Attorney		001 000 515 General Fund	1,857.50	Attorney Services - August 2023
<b>30532</b>	<b>09/13/2023</b>	<b>09/26/2023</b>	<b>9817 Kenyon Disend</b>	<b>5,159.50</b>	<b>Attorney Services - August 2023 - Land Use</b>
515 41 41 02	Special Legal Counsel		001 000 515 General Fund	5,159.50	Attorney Services - August 2023 - Land Use
			Total Kenyon Disend	7,017.00	
<b>30568</b>	<b>09/18/2023</b>	<b>09/26/2023</b>	<b>10264 Larson, Shari</b>	<b>446.54</b>	<b>Gentle Yoga &amp; Chair Yoga Classes (8/1/23-8/31/23)</b>
571 20 49 06	Instructor Fees		001 000 571 General Fund	446.54	Gentle Yoga & Chair Yoga Classes (8/1/23-8/31/23)
<b>30572</b>	<b>09/18/2023</b>	<b>09/26/2023</b>	<b>10459 Locke Systems Inc.</b>	<b>4,950.00</b>	<b>IT Managed Services - August 2023</b>
518 81 41 01	Prof Svcs - I/S		001 000 518 General Fund	4,950.00	IT Managed Services - August 2023
<b>30513</b>	<b>09/12/2023</b>	<b>09/26/2023</b>	<b>9641 Lopez, Stephanie</b>	<b>67.00</b>	<b>Library Reimbursement - 1 Year</b>
572 21 49 00	Library Services		001 000 572 General Fund	67.00	Library Reimbursement - 1 Year
<b>30539</b>	<b>09/14/2023</b>	<b>09/26/2023</b>	<b>3791 Lowe's Company-#338954</b>	<b>36.93</b>	<b>Supplies for Well Repairs</b>
534 50 31 01	Oper Supplies - Water Maint		425 000 534 Water Fund (dep	36.93	Supplies for Well Repairs
<b>30508</b>	<b>09/12/2023</b>	<b>09/26/2023</b>	<b>10160 Lowry, Darrin</b>	<b>252.76</b>	<b>07-00334.7 - 305 BIRCH ST</b>

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343 10 00 00	Storm Drain Revenues		415 000 340 Storm Drain	-56.03	
343 40 00 00	Sale Of Water		425 000 340 Water Fund (dep	-61.28	
343 50 00 00	Sewer Revenues		430 000 340 Sewer Fund (dep	-135.45	
<hr/>					
<b>30510</b>	<b>09/12/2023</b>	<b>09/26/2023</b>	<b>10561</b>	<b>Manley, Kenneth</b>	<b>78.00 Library Reimbursement - 1 Year</b>
572 21 49 00	Library Services		001 000 572 General Fund	78.00	Library Reimbursement - 1 Year
<hr/>					
<b>30567</b>	<b>09/18/2023</b>	<b>09/26/2023</b>	<b>10265</b>	<b>Mirande, Therese</b>	<b>728.76 Gentle Yoga Classes, Chair Yoga &amp; Yin Yoga Series (August)</b>
571 20 49 06	Instructor Fees		001 000 571 General Fund	728.76	Gentle Yoga Classes, Chair Yoga & Yin Yoga Series (August)
<hr/>					
<b>30583</b>	<b>09/19/2023</b>	<b>09/26/2023</b>	<b>10567</b>	<b>Nettle, Christine</b>	<b>78.00 Library Reimbursement - 1 Year</b>
572 21 49 00	Library Services		001 000 572 General Fund	78.00	Library Reimbursement - 1 Year
<hr/>					
<b>30520</b>	<b>09/13/2023</b>	<b>09/26/2023</b>	<b>3910</b>	<b>Office Depot</b>	<b>60.65 Check #219555 (Office Depot check delivered by USPS to Home Depot who cashed check. Home Depot is returning payment )</b>
369 81 00 00	Cash Over/Short		001 000 360 General Fund	-60.65	Check #219555 (Office Depot check delivered by USPS to Home Depot who cashed check. Home Depot is returning payment )
<hr/>					
<b>30548</b>	<b>09/15/2023</b>	<b>09/26/2023</b>	<b>3923</b>	<b>Orca Pacific Inc</b>	<b>929.94 Hypochlorite Solution (197 Gal)</b>
534 80 31 03	Oper Supplies - Chlorine		425 000 534 Water Fund (dep	929.94	Hypochlorite Solution (197 Gal)
<hr/>					
<b>30582</b>	<b>09/19/2023</b>	<b>09/26/2023</b>	<b>3957</b>	<b>PC Budget &amp; Finance</b>	<b>425.00 Recording Fees - Sanitary Sewer Utility Easement (4351 67th Ave W, University Place)</b>
535 10 49 00	Miscellaneous - Sewer Admi		430 000 535 Sewer Fund (dep	425.00	Recording Fees - Sanitary Sewer Utility Easement (4351 67th Ave W, University Place)
<hr/>					
<b>30588</b>	<b>09/20/2023</b>	<b>09/26/2023</b>	<b>3955</b>	<b>Petrocard Systems Inc</b>	<b>657.74 Gas/Fuel - September 2023</b>
548 65 31 11	Gas - Parks/Rec		501 000 548 Equipment Rent:	95.78	Parks - 09/2023
548 65 31 12	Gas - Street		501 000 548 Equipment Rent:	15.18	Street - 09/2023
548 65 31 13	Gas - Storm		501 000 548 Equipment Rent:	174.46	Storm - 09/2023
548 65 31 14	Gas - Water/Sewer		501 000 548 Equipment Rent:	372.32	W/S - 09/2023
<hr/>					
<b>30521</b>	<b>09/13/2023</b>	<b>09/26/2023</b>	<b>3971</b>	<b>Pitney Bowes Inc Supplies</b>	<b>146.20 Red Ink Cartridge</b>
518 10 42 01	Postage - Non Dept		001 000 518 General Fund	146.20	Red Ink Cartridge
<hr/>					
<b>30553</b>	<b>09/15/2023</b>	<b>09/26/2023</b>	<b>3986</b>	<b>Puget Sound Energy, BOT-01H</b>	<b>50.92 Natural Gas - PW - August 2023</b>



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531 50 47 02	Public Utility Services - Bldg		415 000 531 Storm Drain	12.73	Natural Gas - PW - August 2023
534 10 47 00	Utility Services/Building - Wa		425 000 534 Water Fund (de	12.73	Natural Gas - PW - August 2023
535 10 47 00	Utility Services/Building - Se		430 000 535 Sewer Fund (de	12.73	Natural Gas - PW - August 2023
542 30 47 02	Electricity & Gas/Bldg - Stree		101 000 542 City Street Fund	12.73	Natural Gas - PW - August 2023
<b>30574 09/18/2023 09/26/2023 3986 Puget Sound Energy, BOT-01H</b>				<b>41.49</b>	<b>Natural Gas - City Hall August 2023</b>
518 30 47 00	Public Utility Services - City H		001 000 518 General Fund	41.49	Natural Gas - City Hall August 2023
Total Puget Sound Energy, BOT-01H				92.41	
<b>30575 09/18/2023 09/26/2023 10547 Puget Sound Petroleum, Inc.</b>				<b>3,154.59</b>	<b>Fuel for Generator at Well #9</b>
534 50 31 01	Oper Supplies - Water Maint		425 000 534 Water Fund (de	3,154.59	Fuel for Generator at Well #9
<b>30506 09/11/2023 09/26/2023 2605 Rennie, Raoul G.</b>				<b>255.50</b>	<b>05-03080.1 - 1202 WEST MOUNT DR</b>
343 10 00 00	Storm Drain Revenues		415 000 340 Storm Drain	-63.35	
343 40 00 00	Sale Of Water		425 000 340 Water Fund (de	-64.36	
343 50 00 00	Sewer Revenues		430 000 340 Sewer Fund (de	-127.79	
<b>30523 09/13/2023 09/26/2023 337 Roberts, Christopher</b>				<b>25.00</b>	<b>Gym Fees Reimbursement - July 2023</b>
521 22 20 00	Personnel Benefits - Police		001 000 521 General Fund	25.00	Gym Fees Reimbursement - July 2023
<b>30524 09/13/2023 09/26/2023 337 Roberts, Christopher</b>				<b>15.00</b>	<b>Firearms Training - Lunch</b>
521 22 43 00	Travel - Police		001 000 521 General Fund	15.00	Firearms Training - Lunch
Total Roberts, Christopher				40.00	
<b>30566 09/18/2023 09/26/2023 10398 Rubke, Patricia</b>				<b>150.00</b>	<b>Barre Classes (Beginning Barre, Barre HIIT, Barre) 08/01/23-08/31/23</b>
571 20 49 06	Instructor Fees		001 000 571 General Fund	150.00	Barre Classes (Beginning Barre, Barre HIIT, Barre) 08/01/23-08/31/23
<b>30554 09/15/2023 09/26/2023 4035 Sarco Supply</b>				<b>249.67</b>	<b>Detergent for Dishwasher</b>
518 30 31 01	Oper Supplies - Rec Bldg		001 000 518 General Fund	249.67	Detergent for Dishwasher
<b>30536 09/15/2023 09/26/2023 10284 Selander, Rogers</b>				<b>44.44</b>	<b>01-01890.4 - 109 FARALLONE AVE</b>
343 10 00 00	Storm Drain Revenues		415 000 340 Storm Drain	-15.32	
343 40 00 00	Sale Of Water		425 000 340 Water Fund (de	-16.28	
343 50 00 00	Sewer Revenues		430 000 340 Sewer Fund (de	-12.84	

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<b>30528</b>	<b>09/13/2023</b>	<b>09/26/2023</b>	<b>6088</b>	<b>Sentinel Pest Control Inc</b>	<b>120.23</b>	<b>Pest Control - City Hall - 09/2023</b>
	518 30 48 02	Rep & Maint - City Hall	001 000 518	General Fund	120.23	Pest Control - City Hall - 09/2023
<b>30549</b>	<b>09/15/2023</b>	<b>09/26/2023</b>	<b>6088</b>	<b>Sentinel Pest Control Inc</b>	<b>214.61</b>	<b>Pest Control - PW - 09/2023</b>
	531 50 48 00	Rep & Maint - Storm	415 000 531	Storm Drain	53.65	Pest Control - PW - 09/2023
	534 50 48 01	Rep & Maint - Water Maint	425 000 534	Water Fund (dep	53.65	Pest Control - PW - 09/2023
	535 50 48 00	Rep & Maint - Sewer Maint	430 000 535	Sewer Fund (dep	53.65	Pest Control - PW - 09/2023
	542 30 48 01	Rep & Maint - Street Maint	101 000 542	City Street Fund	53.66	Pest Control - PW - 09/2023
Total Sentinel Pest Control Inc					334.84	
<b>30573</b>	<b>09/18/2023</b>	<b>09/26/2023</b>	<b>4102</b>	<b>Stripe Rite Inc</b>	<b>6,150.00</b>	<b>City Wide Street Markings Painted</b>
	542 30 48 01	Rep & Maint - Street Maint	101 000 542	City Street Fund	6,150.00	City Wide Street Markings Painted
<b>30555</b>	<b>09/15/2023</b>	<b>09/26/2023</b>	<b>4110</b>	<b>Superior Linen Service</b>	<b>49.12</b>	<b>Linen Service 08/25/23 - Public Works</b>
	518 30 48 03	Rep & Maint - PW	001 000 518	General Fund	49.12	Linen Service 08/25/23 - Public Works
<b>30556</b>	<b>09/15/2023</b>	<b>09/26/2023</b>	<b>4110</b>	<b>Superior Linen Service</b>	<b>49.12</b>	<b>Linen Service 08/11/23 - Public Works</b>
	518 30 48 03	Rep & Maint - PW	001 000 518	General Fund	49.12	Linen Service 08/11/23 - Public Works
<b>30557</b>	<b>09/15/2023</b>	<b>09/26/2023</b>	<b>4110</b>	<b>Superior Linen Service</b>	<b>81.41</b>	<b>Linen Service 08/25/23 - City Hall</b>
	518 30 48 02	Rep & Maint - City Hall	001 000 518	General Fund	81.41	Linen Service 08/25/23 - City Hall
<b>30558</b>	<b>09/15/2023</b>	<b>09/26/2023</b>	<b>4110</b>	<b>Superior Linen Service</b>	<b>81.41</b>	<b>Linen Service 08/11/23 - City Hall</b>
	518 30 48 02	Rep & Maint - City Hall	001 000 518	General Fund	81.41	Linen Service 08/11/23 - City Hall
<b>30559</b>	<b>09/15/2023</b>	<b>09/26/2023</b>	<b>4110</b>	<b>Superior Linen Service</b>	<b>124.77</b>	<b>Linen Service 08/23/23 - Rec Center</b>
	518 30 48 01	Rep & Maint - Rec Bldg	001 000 518	General Fund	124.77	Linen Service 08/23/23 - Rec Center
<b>30560</b>	<b>09/15/2023</b>	<b>09/26/2023</b>	<b>4110</b>	<b>Superior Linen Service</b>	<b>124.77</b>	<b>Linen Service 08/09/23 - Rec Center</b>
	518 30 48 01	Rep & Maint - Rec Bldg	001 000 518	General Fund	124.77	Linen Service 08/09/23 - Rec Center
<b>30561</b>	<b>09/15/2023</b>	<b>09/26/2023</b>	<b>4110</b>	<b>Superior Linen Service</b>	<b>52.42</b>	<b>Linen Service 08/23/23 - Pool</b>
	576 20 49 02	Miscellaneous - Pool	001 000 576	General Fund	52.42	Linen Service 08/23/23 - Pool
<b>30562</b>	<b>09/15/2023</b>	<b>09/26/2023</b>	<b>4110</b>	<b>Superior Linen Service</b>	<b>52.42</b>	<b>Linen Service 08/09/23 - Pool</b>
	576 20 49 02	Miscellaneous - Pool	001 000 576	General Fund	52.42	Linen Service 08/09/23 - Pool

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			Total Superior Linen Service	615.44	
<b>30526</b>	<b>09/13/2023</b>	<b>09/26/2023</b>	<b>4328 Systems for Public Safety Inc</b>	<b>1,028.72</b>	<b>#68055D 2019 Ford Interceptor - Replace Damaged Bumper</b>
	548 65 48 08	O & M - Police	501 000 548 Equipment Rent	1,028.72	#68055D 2019 Ford Interceptor - Replace Damaged Bumper
<b>30541</b>	<b>09/14/2023</b>	<b>09/26/2023</b>	<b>4135 Tacoma Screw Products Inc</b>	<b>17.89</b>	<b>Bolts for Pool Deck Repairs</b>
	576 20 31 03	Oper Supplies - Pool	001 000 576 General Fund	17.89	Bolts for Pool Deck Repairs
<b>30571</b>	<b>09/18/2023</b>	<b>09/26/2023</b>	<b>6950 Tacoma Trophy</b>	<b>52.85</b>	<b>Women's Pickleball Awards (6)</b>
	571 10 31 01	Oper Supplies - Rec	001 000 571 General Fund	52.85	Women's Pickleball Awards (6)
<b>30509</b>	<b>09/12/2023</b>	<b>09/26/2023</b>	<b>4322 Tacoma, City of - POWER</b>	<b>16,089.54</b>	<b>Power - Various Locations - August 2023</b>
	518 30 47 00	Public Utility Services - City H	001 000 518 General Fund	756.43	City Hall Power 08/2023
	531 50 47 02	Public Utility Services - Bldg	415 000 531 Storm Drain	81.98	PW Power 08/2023
	534 10 47 00	Utility Services/Building - Wa	425 000 534 Water Fund (dep	81.98	PW Power 08/2023
	534 80 47 01	Utility Services/Pumping	425 000 534 Water Fund (dep	7,651.87	PW, Well #4, #6, #7, #8 & #9, Golf Course Tank, Weathervane Booster 08/2023
	535 10 47 00	Utility Services/Building - Se	430 000 535 Sewer Fund (dep	81.97	PW Power 08/2023
	535 80 47 01	Utility Services/Pumping	430 000 535 Sewer Fund (dep	1,139.07	Pumps/LS Power 08/2023
	542 30 47 02	Electricity & Gas/Bldg - Stree	101 000 542 City Street Fund	81.98	PW Power 08/2023
	542 30 47 03	Electricity/Traffic Lights	101 000 542 City Street Fund	90.13	Traffic Control 08/2023
	542 63 47 00	Electricity/Street Lights	101 000 542 City Street Fund	1,285.86	Street Lights 08/2023
	548 65 47 00	Utility Services/Building - Sh	501 000 548 Equipment Rent	30.20	F&E Garage Power 08/2023
	571 10 47 00	Public Utility Services - Rec	001 000 571 General Fund	1,259.88	Rec Center Power 08/2023
	576 20 47 00	Public Utility Services - Pool	001 000 576 General Fund	2,657.80	Pool Power - 08/2023
	576 80 47 00	Public Utility Services - Parks	001 000 576 General Fund	890.39	Parks Power - 08/2023
<b>30518</b>	<b>09/12/2023</b>	<b>09/26/2023</b>	<b>7367 Telles, Louis</b>	<b>39.00</b>	<b>Library Reimbursement - 1/2 Year (Lisa)</b>
	572 21 49 00	Library Services	001 000 572 General Fund	39.00	Library Reimbursement - 1/2 Year (Lisa)
<b>30512</b>	<b>09/12/2023</b>	<b>09/26/2023</b>	<b>9399 Tupen, Cody</b>	<b>156.00</b>	<b>Library Reimbursement - 1 Year (2)</b>
	572 21 49 00	Library Services	001 000 572 General Fund	156.00	Library Reimbursement - 1 Year (2)
<b>30565</b>	<b>09/18/2023</b>	<b>09/26/2023</b>	<b>8484 US Bank, Recreation Dept Account</b>	<b>2,485.68</b>	<b>P-Card Charges thru 09/15/23</b>
	571 10 31 01	Oper Supplies - Rec	001 000 571 General Fund	455.78	Portable Pickleball Net System (3)
	571 10 31 02	Senior Program Supplies	001 000 571 General Fund	548.88	Senior Morning Supplies

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571 10 49 00	Miscellaneous - Rec		001 000 571 General Fund	80.25	Rec Supplies
573 90 49 01	Community Events		001 000 573 General Fund	1,307.18	Community Event Supplies
594 76 62 03	Buildings & Structures - PBC		301 000 594 Park Bond Capit:	93.59	P#64 Container Rental 09/2023
<b>30545 09/15/2023 09/26/2023 4180 Utilities Underground</b>				<b>50.93</b>	<b>Locates 08/2023</b>
534 10 49 00	Miscellaneous - Water Admi		425 000 534 Water Fund (de	25.47	Locates 08/2023
535 10 49 00	Miscellaneous - Sewer Admi		430 000 535 Sewer Fund (de	25.46	Locates 08/2023
<b>30516 09/12/2023 09/26/2023 8270 Whepley, Katherine</b>				<b>67.00</b>	<b>Library Reimbursement - 1 Year</b>
572 21 49 00	Library Services		001 000 572 General Fund	67.00	Library Reimbursement - 1 Year
<b>30544 09/15/2023 09/26/2023 5286 Winsupply</b>				<b>81.08</b>	<b>Manual Bilge Pump for Repairs and Sprinkler Head Replacements</b>
534 80 35 00	Small Tools & Equip - Water		425 000 534 Water Fund (de	55.58	Manual Bilge Pump for Meter Boxes & Sprinkler Repairs
542 80 31 01	Oper Supplies - St Beaut		101 000 542 City Street Fund	25.50	Sprinkler Head Replacements
<b>30570 09/18/2023 09/26/2023 10211 Young, Naomi</b>				<b>478.50</b>	<b>Summer Day Camp Leader (8/8/23-8/12/23)</b>
571 10 31 03	Youth Supplies		001 000 571 General Fund	478.50	Summer Day Camp Leader (8/8/23-8/12/23)

Report Total: 189,145.78

Fund	
001 General Fund	113,192.45
101 City Street Fund	9,234.56
301 Park Bond Capital Fund	635.99
415 Storm Drain	1,969.62
425 Water Fund (department)	27,382.18
430 Sewer Fund (department)	9,665.54
432 Sewer Improvement Fund	4,131.55
501 Equipment Rental Fund	22,933.89

This report has been reviewed by:

REMARKS:

\_\_\_\_\_  
Signature & Title

\_\_\_\_\_  
Date

**CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL**

Mayor Brett L. Wittner called the regular meeting to order at 7:00 P.M. and led the Pledge of Allegiance. Councilmembers David M. Viafore, Shannon Reynolds, Joe Barrentine, Nikki Bufford, and Jim Andrews were present. Councilmember Hunter T. George was absent and excused.

**PRESIDING OFFICER’S REPORT**

There were no reports.

**CITY MANAGER COMMENTS**

City Manager Masko reported on the Council Chamber’s audio-visual system upgrade and stated that the major components have been installed. She highlighted that the contractor will continue to work on minor equipment installations and housekeeping items. City Manager Masko reported that Fircrest Municipal Court Judge John Miller has submitted his intent to retire after 28 years of dedicated service to the City of Fircrest. She stated that the City will be working on a transition plan and an Interim Judge appointment. Lastly, City Manager Masko announced that Community Development Director Mark Newman will start on September 18, 2023.

**DEPARTMENT HEAD COMMENTS**

- Parks & Recreation Director Grover reported on the resurfacing of the tennis and pickleball courts. He is researching sound-dampening options and reported on the court hours of operation. There was a brief discussion on the tennis and pickleball noise pollution.
- Interim Police Chief LaTour commented on the Police Chief transition, police training, and thanked the City for the Interim Police Chief opportunity.

**COUNCILMEMBER COMMENTS**

- Councilmember Viafore; no comment.
- Councilmember Reynolds; no comment.
- Councilmember Barrentine thanked Interim Police Chief LaTour.
- Councilmember Bufford also thanked Interim Police Chief LaTour for his service to the Fircrest community.
- Councilmember Andrews thanked Interim Police Chief LaTour, expressed concern about political signs with endorsements, and commented on sign code enforcement.
- Mayor Wittner; no comment.

**PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**

Mayor Wittner invited public comment. The following individuals provided public comment:

- Vince Navarre, 1205 Del Monte Ave, expressed concern about obtaining a political booth at Fircrest Fun Days, complaints about the Alameda Ave sign, and temporary sign code violations. Navarre read and expressed his concerns regarding the content of a text message forwarded to him from an elected official of a neighboring city that contained commentary about Navarre written by Councilmember George.
- Anne Slavich, 1425 Weathervane Dr, commented on police jurisdictional boundaries and responsibilities, and expressed concern regarding increased population density and its impacts.

Slavich expressed interest in a fee-based gym at the Roy H. Murphy Community Center and commented on public funding for tree removal. Lastly, Slavich commented on solicitors.

- Brian Rybolt, 1036 Daniels Dr, commented on the tennis and pickleball court lines, thanked City staff for temporary sign code enforcement, commented on the comprehensive plan survey, and thanked Interim Police Chief LaTour.

**COMMITTEE, COMMISSION, AND LIAISON REPORTS**

**A. Administration**

Councilmember Andrews gave kudos to City Manager Masko.

**B. Environmental, Planning, and Building**

There was no report provided.

**C. Finance, IT, Facilities**

There was no report provided.

**D. Other Liaison Reports**

There was no report provided.

**CONSENT CALENDAR**

Mayor Wittner requested the Acting City Clerk read the Consent Calendar:

- A. Approval of Check No. 220085 through 220153 in the amount of \$162,806.58  
Approval of Check No. 14288 through 14289 in the amount of \$8,775.57  
Approval of Check No. 14290 through 14296 in the amount of \$65,476.85  
Approval of payroll electronic funds transfer in the amount of \$168,506.78  
Approval of payroll electronic funds transfer in the amount of \$157,417.89
- B. Approval of the August 21, 2023, Study Session minutes.  
Approval of the August 22, 2023, Regular Meeting minutes.

**Councilmember Bufford MOVED to approve the Consent Calendar as read; seconded by Councilmember Barrentine. The Motion Carried (6-0).**

**PUBLIC HEARING**

There was no public hearing scheduled.

**UNFINISHED BUSINESS**

There was no unfinished business.

**NEW BUSINESS**

**A. Resolution No. 1844: Fircrest Park Athletic Field Improvement Contract**

Parks & Recreation Director Grover reported on the proposed resolution and highlighted that the City received grant funding from the Recreation and Conservation Office (RCO) Youth Athletic Facilities to provide Fircrest Park improvements. **Councilmember Bufford MOVED to adopt Resolution No. 1844, awarding the construction contract for the Fircrest Park Athletic Field Improvement Project to KBH Construction; seconded by Councilmember Barrentine.** Mayor

Wittner invited Councilmember comments. Council discussions included improvement project schedule, public outreach, and traffic impacts. Mayor Wittner invited public comment; none were provided.

**The Motion Carried (6-0).**

**B. Resolution No. 1845: Centennial Steering Committee**

City Manager Masko briefed the Council on the proposed resolution and highlighted that the advisory committee will assist with the logistics of the City’s centennial celebration. **Councilmember Bufford MOVED to adopt Resolution No. 1845 establishing the Fircrest Centennial Celebration Steering Committee; seconded by Councilmember Barrentine.** Mayor Wittner invited Councilmember comment. There was a brief discussion on committee appointments. Mayor Wittner invited public comment.

- Brian Rybolt, 1036 Daniels Dr, commented on appointing former Councilmember Blake Surina to the committee.
- Anne Slavich, 1425 Weathervane Dr, commented on public input for centennial celebration funding allocations. Councilmember Viafore stated that the City will conduct fundraising and have minimal impacts on the City’s budget.

**The Motion Carried (6-0).**

**CALL FOR FINAL COMMENTS**

City Manager Masko reported that the Council Special meeting on September 18, 2023, will start at 7 P.M.

Councilmember Viafore thanked meeting attendees and welcomed former Councilmember Jerry Foss.

Councilmember Andrews commented on the City’s Town Topics. There was a discussion held on the Town Topics distribution methods.

**EXECUTIVE SESSION**

There was none scheduled.

**ADJOURNMENT**

**Councilmember Bufford MOVED to adjourn the meeting at 7:49 P.M., seconded by Councilmember Barrentine. The Motion Carried (6-0).**

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Brett L. Wittner, Mayor

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Arlette Burkhart, Acting City Clerk

## FIRCREST CITY COUNCIL AGENDA SUMMARY

**NEW BUSINESS:** Resolution to Approve Department of Assigned Counsel Agreement  
**ITEM:** 13A  
**DATE:** September 26, 2023  
**FROM:** Dawn Masko, City Manager

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**RECOMMENDED MOTION:** I move to adopt Resolution No. \_\_\_\_\_, authorizing the City Manager to execute an agreement for Public Defense Services with Pierce County for indigent legal defense services.

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**PROPOSAL:** The Council is being asked to adopt a resolution authorizing the City Manager to execute the Agreement for Public Defense Services with Pierce County through the Department of Assigned Counsel. The agreement provides contracted public defense services for indigent defendants charged in both Fircrest and Ruston Municipal Court. The agreement extends the contract through December 31, 2025, and updates the compensation.

**FISCAL IMPACT:** The cost of contracted service for assigned and conflict counsels is \$74,260 for 2024 and \$75,750 for 2025.

**ADVANTAGE:** The contract allows a continuation of public defense services with the Pierce County Department of Assigned Counsel and ensures the Court complies with RCW 10.101.030.

**DISADVANTAGES:** None.

**ALTERNATIVES:** Do not approve the agreement. The City could consider another source for indigent defense representation.

**HISTORY:** The City has contracted with the Pierce County Department of Assigned Counsel for several years for indigent defense representation. The Court is required to provide this service to all defendants who are indigent per RCW 10.101.030.

Previous public defense service agreements have been brought forward to the Council by the Court Administrator. In compliance with General Rule 42 – Independence of Public Defense Services, adopted January 1, 2023, the City now oversees the management and oversight of public defense services. The intent of General Rule 42, adopted by the Washington Supreme Court, is to prevent conflicts of interest that may arise if judges or judicial staff manage or oversee public defense services.

**ATTACHMENTS:** Resolution  
Agreement for Public Defense Services



**CITY OF FIRCREST  
RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
FIRCREST, WASHINGTON AUTHORIZING THE CITY  
MANAGER TO EXECUTE AN AGREEMENT FOR PUBLIC  
DEFENSE SERVICES WITH PIERCE COUNTY DEPARTMENT  
OF ASSIGNED COUNSEL TO PROVIDE LEGAL  
REPRESENTATION TO INDIGENT DEFENDANTS.**

**WHEREAS**, for the past several years, the Fircrest Municipal Court has had a contract with the Pierce County Department of Assigned Counsel to provide legal representation to indigent defendants and wishes to continue this service,

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF FIRCREST:**

**Section 1.** The City Manager is hereby authorized and directed to execute an agreement for public defense services with the Department of Assigned Counsel for indigent defense, from January 1, 2024, through December 31, 2025, to perform legal representation to defendants in the City of Fircrest and in the City of Ruston referred to the Fircrest Municipal Court.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF  
FIRCREST, WASHINGTON**, at a regular meeting thereof this 26th day of September 2023.

**APPROVED:**

\_\_\_\_\_  
Brett L. Wittner, Mayor

**ATTEST:**

\_\_\_\_\_  
Arlette Burkhart, Acting City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Robert Zeinemann, City Attorney

**AGREEMENT**  
**FOR**  
**PUBLIC DEFENSE SERVICES**

1. Date and Parties.

This agreement, for reference purposes only, is dated the 1st day of January 2024, and is entered into between the City of Fircrest, Washington, a municipal corporation, herein referred to as the "City," and Pierce County, herein referred to as the "County."

2. General Recitals.

a. The City is required by Court Rule and state law to provide legal representation to indigent defendants charged in Fircrest Municipal court with violations of city ordinances punishable by loss of liberty. The City does not have the personnel to provide said services. The City is further required by contractual agreement to provide legal representation to indigent defendants charged in the City of Ruston with violations of City ordinances punishable by loss of liberty.

b. The County, through its Department of Assigned Counsel (herein referred to as Department), has the capability to provide the City with mandated indigent legal defense services.

c. The County agrees to serve as Fircrest Municipal Court appointed counsel to provide legal services for indigent defendants upon the terms and conditions set forth herein.

3. Scope of Services.

a. All indigent defendants charged in the Fircrest Municipal Court with Ordinance violations punishable by loss of liberty and all indigent defendants charged with City of Ruston Ordinance violations punishable by loss of liberty and referred to the Fircrest Municipal Court and who qualify for appointed counsel shall be referred to the Department. The Department shall be provided with the name, address, and telephone number, if available, for each person referred to the Department. The Department shall provide legal representation for each of those defendants from arraignment through trial, sentencing, post trial review and any appeals. This shall include interviewing defendants in custody as needed and providing 24-hour telephone access to an attorney for those seeking "critical stage" advice during the course of police investigation.

- b. The scope of services shall also include the representation of indigent defendants assigned appointed counsel prior to the effective date of this agreement and for whom the previously assigned counsel has withdrawn as counsel of record.
- c. The scope of services shall also include standby representation to all in-custody defendants.

4. Conflict

All indigent defendants determined to have a conflict of interest by the Department of Assigned Counsel will be represented by conflict counsel. The City shall reimburse the County for any and all costs associated with furnishing conflict counsel, experts, and investigators. Pursuant to RPC 1.8, all payments for those services will remain separate from this contract compensation to the Department of Assigned Counsel.

5. Applicant Screening.

Determination of indigence for eligibility for appointed counsel under this agreement shall be determined by an independent screening process established by the City.

6. Associated Counsel.

Any counsel associated with or employed by the Department shall have the authority to perform the services called for herein, and the Department may employ associate counsel to assist it, at its expense. The Department and all associate counsel or attorneys hired pursuant to this section shall be admitted to practice pursuant to the rules of the Supreme Court of the State of Washington. No legal intern shall perform the services called for herein without the prior approval of the Court.

7. Indemnification:

The County shall indemnify and hold the City, its elected officials, officers, employees, and agents harmless from any and all claims whatsoever arising out of the Department's performance of obligations pursuant to the agreement, including claims arising by reason of accident, injury or death caused to persons or property of any kind occurring by the fault or neglect of the Department, its agents, associates or employees, and occurring without the fault or neglect of the City.

The City shall indemnify and hold the County, its elected officials, officers, employees, and agents harmless from any and all claims whatsoever, including claims arising by reason of accident, injury or death caused to persons or property of any kind, occurring by the fault or neglect of the City, its agents, associates or employees, and occurring without the fault or neglect of the County.

8. Compensation.

- a. The City shall pay to the County for services rendered under this agreement the maximum annual amount of \$74,260 for 2024; payments shall be due as follows: June 30, 2024--\$37,130 and December 31, 2024--\$37,130. For 2025, the City shall pay to the County for services rendered under this agreement the maximum annual amount of \$75,750; payments shall be due as follows: June 30, 2025--\$37,875 and December 31, 2025--\$37,875. This amount includes

compensation for representation in Fircrest Municipal Court and Ruston City cases referred to the Fircrest Municipal Court.

- b. This agreement may be reviewed quarterly to determine if the rate of compensation is adequate to cover the costs incurred in providing the necessary level of service. If at any such review it is determined that the rate of compensation is inadequate the parties shall attempt to negotiate a reasonable compensation rate. The parties further agree that should another source of funding become available to meet the costs contemplated herein, the total cost of any applicable portion thereof may be revised downward accordingly or may be eliminated entirely pursuant to mutual agreement of the parties.

9. Discovery Period.

The City shall provide to the Department one copy of all discoverable material concerning such assigned case except in matters related to sentencing. Such material shall include, where relevant, a copy of the abstract of the defendant's driving record.

10. Costs.

a. If, in the opinion of the Department, an expert witness and/or an investigator is needed in order to adequately prepare a defense for an indigent person, or to adequately represent that defendant at trial, the Department shall petition the Court for the appointment of said expert. The Court shall then determine the need for the service, the rate of compensation to be paid, and the amount that shall be paid by the City. The rate of compensation paid to the Department does not include an amount for experts or investigation.

In the event that the retention of above services requires any additional funds for investigation or expert services, the City shall provide all additional funds for those services, so that all payments for those services remain separate from this contract compensation to the Department of Assigned Counsel.

- b. If the Department appeals a case, the costs of the transcript shall be borne by the City.

11. Defense Standards Compliance.

This contract complies with all standards for indigent defense as listed under CrRLJ 3.1 and CrR 3.1, Washington State Bar Association Standards for Indigent Defense and the Rules of Professional Conduct.

12. No Assignments.

No assignment or transfer of this agreement, nor of any interest in this agreement, shall be made by either of the parties, without prior written consent.

13. Term of Agreement.

a. This agreement shall commence on the 1st day of January 2024, and shall be in force and effect through December 31, 2025, said date being the termination date unless the agreement is terminated earlier pursuant to provisions hereof.

b. This agreement may be extended for additional terms upon the mutual agreement of the parties, and the termination date shall also be extended pursuant to said extension agreement.

14. Termination.

a. For Cause: Either party may terminate this agreement in the event the other fails to perform its obligations as described in this agreement, and if such failure has not been corrected to the reasonable satisfaction of the other in a timely manner after notice of breach has been provided to such other party.

b. Without Cause: If the parties are unable to negotiate a new rate of compensation pursuant to paragraph 8(b) above, then either party may terminate this agreement without cause by giving the other party 60 days written notice prior to the date of proposed termination.

c. Future Non-Allocation of Funds: Notwithstanding any other terms of this Agreement, if sufficient funds are not appropriated or allocated for performance under this contract for any future fiscal period, the Department will not be obligated to provide services after the end of the fiscal period through which funds have been appropriated and allocated, unless authorized by county ordinance. No penalty or expense shall accrue to Pierce County in the event this provision applies.

15. Amendments.

No modification or amendment of the provisions of this agreement shall be in effect unless in writing and signed by authorized representatives of the parties hereto.

16. Entire Agreement.

This instrument contains the entire agreement between the parties and may not be enlarged, modified, or altered except in writing signed by both parties.

CITY OF FIRCREST

PIERCE COUNTY

\_\_\_\_\_  
FIRCREST CITY MANAGER

\_\_\_\_\_  
DIRECTOR OF ASSIGNED COUNSEL

ATTEST:

\_\_\_\_\_  
FIRCREST CITY CLERK

\_\_\_\_\_  
DIRECTOR OF FINANCE

APPROVED AS TO FORM:

\_\_\_\_\_  
FIRCREST CITY ATTORNEY

\_\_\_\_\_  
DEPUTY PROSECUTING ATTORNEY

## FIRCREST CITY COUNCIL AGENDA SUMMARY

**NEW BUSINESS:** Resolution Approving a Memorandum of Understanding Between the City of Fircrest and the Fircrest Parks and Recreation Foundation

**ITEM:** 13B

**DATE:** September 26, 2023

**FROM:** Dawn Masko, City Manager

---

**RECOMMENDED MOTION:** I move to adopt Resolution No. \_\_\_\_\_, authorizing the City Manager to execute a Memorandum of Understanding Between the City of Fircrest and the Fircrest Parks and Recreation Foundation.

---

**PROPOSAL:** City Council is being asked to authorize a Memorandum of Understanding between the City of Fircrest and the Fircrest Parks and Recreation Foundation (FPRF), formalizing the framework for cooperation between the City and the Fircrest Parks and Recreation Foundation and the roles each will have.

**FISCAL IMPACT:** Ability to apply for and request funds granted from the FPRF for Fircrest parks, facilities, events, activities, and recreation program improvements.

**ADVANTAGE:** Grants from the FPRF provide additional funds that can supplement the Parks and Recreation budget, allowing for the expansion of programs and services without increasing the burden on taxpayers. Grants from the FPRF will also enable the department to offer a wider variety of recreational programs and activities, catering to the diverse interests and needs of the community, such as youth programs, senior activities, or specialized recreation.

**DISADVANTAGES:** None.

**ALTERNATIVES:** Reject and provide additional guidance.

**HISTORY:** The Fircrest Parks & Recreation Foundation is an independent, grassroots non-profit organization focused on preserving and enhancing the quality of Fircrest Parks and Recreation facilities and programming with a focus on community, livability, and equity.

FPRF has created a donor-advised endowment fund (DAF) with hopes of building a support system for the parks and recreation needs of Fircrest residents for generations to come. The DAF is managed by the Greater Tacoma Community Foundation. Tax-deductible donations can be made to the FPRF Fund through the Greater Tacoma Community Foundation at [Fircrest Parks and Recreation Foundation Fund \(fcsuite.com\)](#) or through a link on the FPRF website at [www.fircrestforever.com/donate](http://www.fircrestforever.com/donate).

**ATTACHMENTS:** Resolution  
Memorandum of Understanding

**CITY OF FIRCREST  
RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON, AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING WITH THE FIRCREST PARKS & RECREATION FOUNDATION ESTABLISHING A FRAMEWORK FOR ROLES AND RESPONSIBILITIES FOR GRANT DISTRIBUTIONS.**

**WHEREAS**, the City of Fircrest owns and operates parks and facilities, and manages recreation programs and activities and community events; and

**WHEREAS**, the Fircrest Parks and Recreation Foundation is an independent non-profit organization focused on preserving and enhancing the quality of Fircrest parks and recreation facilities and programming; and

**WHEREAS**, the Fircrest Parks and Recreation Foundation solicits and directs gifts and grants from public and private sources to the Fircrest Parks and Recreation endowed Donor Advised Fund, managed and administered by the Greater Tacoma Community Foundation; and

**WHEREAS**, the City of Fircrest and the Fircrest Parks and Recreation Foundation desire to work together to identify Fircrest parks, facilities, events, activities, and recreation programs targeted for annual grants from the Fircrest Parks and Recreation Donor Advised Fund; and

**WHEREAS**, the City of Fircrest and the Fircrest Parks and Recreation Foundation desire to enter into a Memorandum of Understanding establishing and formalizing the framework for cooperation and the roles each will have.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FIRCREST:**

**Section 1.** The City Manager is hereby authorized and directed to execute a Memorandum of Understanding with the Fircrest Parks and Recreation Foundation, establishing a framework for roles and responsibilities for grant distributions.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON**, at a regular meeting thereof this 26th day of September 2023.

**APPROVED:**

---

Brett L. Wittner, Mayor

**ATTEST:**

---

Arlette Burkhardt, Acting City Clerk

**APPROVED AS TO FORM:**

---

Robert Zeinemann, City Attorney



# Memorandum of Understanding between the City of Fircrest and the Fircrest Parks and Recreation Foundation

This MEMORANDUM OF UNDERSTANDING (“MOU”) is made by and between the City of Fircrest, a Washington municipal corporation (“Fircrest”), and the Fircrest Parks and Recreation Foundation, a Washington nonprofit corporation (“FPRF”). Together, Fircrest and FPRF are referred to as the “Parties”.

## I. RECITALS

WHEREAS, FPRF is a Washington nonprofit corporation created to fund improvements and activities in Fircrest parks and enhance the quality of life for the residents of Fircrest; and

WHEREAS, FPRF solicits and directs gifts and grants from public and private sources to the Fircrest Parks And Recreation endowed Donor Advised Fund (DAF) managed and administered by Greater Tacoma Community Foundation (“GTCF”) to carry out FPRF’s purpose; and

WHEREAS, GTCF is an independent nonprofit organization under Section 501(c)(3) of the Internal Revenue Code, which qualifies for the charitable contribution deduction under Section 170(b)(1)(A); and

WHEREAS, FPRF is required under its DAF agreement with GTCF to distribute a percentage of the DAF balance annually to qualified grantees; and

WHEREAS, FPRF may recommend to GTCF distributions to qualified entities for qualified uses; and

WHEREAS, Fircrest owns and operates a wide array of parks and facilities and operates several recreation programs to meet the recreational needs of the community; and

WHEREAS, Fircrest and FPRF share an interest in facilitating the identification, funding, and completion of community-generated parks projects and activities; and

WHEREAS, Fircrest and FPRF desire to enter into this MOU establishing and formalizing the framework for cooperation between Fircrest and FPRF and the roles each will have;

NOW, THEREFORE, the Parties have reached the following understanding:

## II. PURPOSE

### 1. Relationship between the Parties.

- A. Fircrest, specifically its Director of Parks and Recreation (“Director”), shall work with the FPRF to identify Fircrest parks, facilities, events, activities, and recreation program improvements (“Projects”) targeted for annual grants from the FPRF DAF.
- B. Fircrest shall be the owner and operator of the Fircrest Parks and Recreation Department and the facilities upon which funds granted from the FPRF DAF will be expended by

Fircrest or other qualified entities. Fircrest shall operate recreation programs in its facilities for which FPRF grants from the FPRF DAF will be expended.

- C. Throughout the calendar year, the Director shall periodically submit grant requests to the FPRF for Projects. Fircrest shall own, operate, manage, and maintain any Project facilities for the entirety of their useful life.
- D. FPRF is a legal entity separate from Fircrest, and no partnership, agency, or other legal relationship other than that described herein is created by this MOU. FPRF shall retain sole authority over its own operations and may make its own decisions about whether to make grants from the FPRF DAF and whether to make distributions for Fircrest Parks and Recreation Projects.

2. Reporting.

- A. The Director shall provide to FPRF and the Fircrest City Manager an annual report within a month of the end of each calendar year that includes how any DAF distributions were utilized and the program's results (if applicable).

III. PROCEDURES

- 1. During January of each calendar year, FPRF shall inform the Director, in writing, of the FPRF DAF funds available for grants in that calendar year.
- 2. FPRF may speak to any Fircrest employee or community member to get ideas for grant Projects and make suggestions to the Director as to possible grant requests.
- 3. Periodically, throughout the calendar year, the Director will submit grant requests to FPRF on the FPRF grant form. FPRF shall evaluate the grant request and respond, in writing, to the Director within 30 days.
- 4. If the grant is approved, FPRF shall make a grant request to GTCF to distribute funds from the FPRF DAF to Fircrest. Once approved by GTCF, funds are usually distributed within two weeks.
- 5. If any FPRF DAF funds identified by FPRF as available for annual distribution remain ungranted by November 1 of each calendar year, FPRF shall notify the Director of the remaining balance and ask for additional grant requests totaling that amount. If no additional grant requests are received by FPRF by December 1, FPRF may request that GTCF distribute from the FPRF DAF one or more generic grants to Fircrest to support future Projects.
- 6. The Director will provide a report to the City Council by the end of the first quarter of each calendar year outlining the amount of FPRF grant funds Fircrest received and how the funds were utilized.
- 7. FPRF will only grant FPRF DAF funds to Fircrest or other registered nonprofit entities or local government entities providing parks and recreation services or activities to Fircrest residents.

IV. TERM OF MOU

This MOU shall be in effect for an initial term of five (5) years, commencing on the date of the last signature below, unless previously terminated by action of the Parties. This MOU may be extended for another term of five (5) years if agreed upon in writing by the Parties.

Acknowledged and Agreed Upon by:

\_\_\_\_\_  
Fircrest Parks and Recreation Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Fircrest City Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair of Fircrest Parks and Recreation Foundation

\_\_\_\_\_  
Date

## FIRCREST CITY COUNCIL AGENDA SUMMARY

**NEW BUSINESS:** Insurance Broker Services Contract Amendment  
**ITEM:** 13C  
**DATE:** September 26, 2023  
**FROM:** Dawn Masko, City Manager

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**RECOMMENDED MOTION:** I move to adopt Resolution No. \_\_\_\_\_, authorizing the City Manager to execute Amendment #12 to the agreement with Leavitt Group NW for insurance broker services.

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**PROPOSAL:** The City of Fircrest is a Cities Insurance Association of Washington (CIAW) pool member. The Interlocal Agreement with CIAW requires the City to designate a servicing representative to act as the liaison for the needs of Fircrest. The duties of the service representative include but are not limited to, providing local claims assistance, securing underwriting information, completing applications, updating vehicle lists and information, and other such functions as the CIAW Board of Directors may establish. Amendment #11 to the agreement with Leavitt Group NW for insurance broker services recently expired. Amendment #12 will extend the agreement term through August 31, 2024. The attached resolution will authorize the City Manager to execute Amendment #12 to the agreement with Leavitt Group NW for insurance broker services.

**FISCAL IMPACT:** The annual cost of services is \$10,000, the same amount as the current contract. There is sufficient budget appropriation included in the 2024 proposed budget.

**ADVANTAGE:** The continuation of this agreement complies with the CIAW requirement to have a servicing representative. Leavitt Group NW has provided valuable assistance in working with CIAW and with claims and preventative measures for the City.

**DISADVANTAGES:** None.

**ALTERNATIVES:** The City could not designate a servicing representative and would be billed 10% of the annual cost for insurance by CIAW per the Interlocal Agreement. Based on the 2023 CIAW assessment, this would amount to \$26,816.34. The City could also contact other qualified firms to request prices and qualifications and negotiate a contract with the lowest responsive firm. Due to time constraints, this is not a viable alternative.

**HISTORY:** The City Council approved an Interlocal Agreement with CIAW on February 12, 2008, effective March 1, 2008. CIAW requires the City to contract with a servicing representative or pay a 10% premium based on the annual CIAW assessment. The City has historically contracted with a local brokerage to provide services. Leavitt Group NW, formerly Bannon, Carlson & Kessel, has provided this service to Fircrest since December 2012.

The City has not previously brought this amendment forward as we explored alternative options for insurance pool providers. The City determined that it is in our best interest to remain with CIAW for the 2024 calendar year, and thus, Amendment #12 now needs to be executed.

**ATTACHMENTS:** Resolution  
Amendment #12 to Broker Services Agreement

**CITY OF FIRCREST  
RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
FIRCREST, WASHINGTON AUTHORIZING THE CITY  
MANAGER TO EXECUTE AMENDMENT #12 TO THE  
AGREEMENT WITH LEAVITT GROUP NW FOR INSURANCE  
BROKER SERVICES.**

**WHEREAS**, the City of Fircrest is a member of the Cities Insurance Association of Washington (CIAW) and the Interlocal Agreement with CIAW requires the City to designate a service representative to act as the liaison for the needs of Fircrest; and

**WHEREAS**, Leavitt Group NW has the required experience and expertise and has provided such services to the City of Fircrest for many years; and

**WHEREAS**, the City of Fircrest has determined it is in the best interest of the City to continue utilizing Leavitt Group NW for insurance broker services.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF FIRCREST:**

**Section 1.** The City Manager is hereby authorized and directed to execute Amendment #12 to the agreement with Leavitt Group NW for insurance broker services.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF  
FIRCREST, WASHINGTON**, at a regular meeting thereof this 26th day of September 2023.

**APPROVED:**

\_\_\_\_\_  
Brett L. Wittner, Mayor

**ATTEST:**

\_\_\_\_\_  
Arlette Burkhart, Acting City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Robert Zeinemann, City Attorney

**TWELFTH AMENDMENT  
TO THE CITY OF FIRCREST  
BROKER SERVICE AGREEMENT**

This Twelfth Amendment is hereby made and entered into this 26<sup>th</sup> day of September 2023 by and between the City of Fircrest, a political subdivision of the State of Washington, hereinafter referred to as the “City” and Leavitt Group NW, hereinafter referred to as “Broker.”

**WITNESSETH:**

**1. Purpose**

The purpose of this twelfth amendment is to amend the December 21, 2012, agreement between the City and Broker. This amendment is limited to the amendments as set forth herein. All the remaining terms and conditions of the December 21, 2012, Agreement shall remain in full force and effect. The amendments are as follows:

2. **Section 3. Term:** The term of this Agreement shall be from September 1, 2023, through August 31, 2024, and may be extended or modified by the mutual consent of the parties.
3. **Section 5. Payment:** The amount shall not exceed ten thousand dollars (\$10,000). Should this Agreement be terminated prior to the expiration date, the Broker will refund a pro-rated share of the fee for the remaining term of the Agreement.
4. All remaining provisions of the December 21, 2012 agreement shall remain in full force and effect, as well as the second through eleventh amendments.

**IN WITNESS WHEREOF**, the parties to these presents have executed this contract in two counterparts, each of which shall be deemed as originals, in the year and day first above mentioned.

**CITY OF FIRCREST**

**LEAVITT GROUP NW**  
2121 70<sup>th</sup> Avenue West, Suite B  
University Place, WA 98466

By: \_\_\_\_\_  
Dawn Masko, City Manager

By: \_\_\_\_\_

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

**ATTEST:**

\_\_\_\_\_  
Arlette Burkhardt, Acting City Clerk