

MEMORANDUM

DATE: May 7, 2013

TO: City Council

THROUGH: City Manager Judie Zimomra

FROM: Recreation Director Andrea Miller

RE: Fitness Class Contract Amendment with Mahnaz Bassiri

On October 2, 2012 City Council approved a contract between fitness instructor Mahnaz Bassiri and the City to provide fitness instruction at the Center4Life and the Recreation Center. In an effort to be fiscally responsible, the fitness classes at the Center4Life are adjusted seasonally based on attendance. Currently, classes have been continuing with higher attendance numbers than past trends and standards have shown. Due to the increased usage and demand, an extension of the class offerings is warranted. This increase in services provided by Mahnaz Bassiri will result, the "not to exceed amount" in the contract to be amended, reflecting an increase of \$4,725 to cover the remaining classes in this fiscal year.

CC: Finance Director Sylvia Edwards
City Attorney Ken Cuyler
Seniors Program Administrator Sandi McDougall

SECOND AMENDED AGREEMENT

THIS SECOND AMENDED AGREEMENT (hereinafter "Second Amended Agreement") effective this 7th day of May, 2013, by and between the CITY OF SANIBEL (hereinafter "City"), a Florida municipal corporation, and Mahnaz Bassiri, (hereinafter "Fitness Instructor") amends that certain Agreement previously entered into on September 8, 2012 by and between the City and Fitness Instructor.

WITNESSETH:

WHEREAS, the City and the Fitness Instructor entered into an Agreement on September 8, 2012, as amended by Agreement on October 2, 2012, which provides that the Fitness Instructor will provide certain fitness classes and services to the City at the Recreation Center and Center 4 Life; and

WHEREAS, as a result of increased demand and attendance at Fitness Instructor's Essential Total Fitness Class, the City and the Fitness Instructor wish to amend the contract for Fitness Instructor to provide additional funding for additional class time;

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, agreed by the parties to be good and sufficient consideration, the City and Mahnaz Bassiri hereby agree as follows:

SECTION ONE. Section 2(a) of the Agreement between the City and Fitness Instructor dated September 8, 2012, as amended, is hereby further amended as follows with underlining showing additions and strike-through showing deletions:

2. (a) The City of Sanibel shall compensate the Fitness Instructor at the rate of \$55.00 for each fitness class, or other City-approved class, conducted in accordance with this Amended Agreement. The Fitness Instructor shall submit a

monthly invoice to City specifying the number of classes conducted during the previous month including the time, date and instructor for each such class. After approval of the invoice, the City shall pay the Fitness Instructor's monthly invoice in accordance with the City's prompt payment requirements. The total amount invoiced to City for the Fitness Instructor's services shall not exceed the City's proposed budget of ~~\$18,200.00~~ \$22,925.

SECTION TWO.

All other terms and provisions of the Agreement between the City and Fitness Instructor dated September 8, 2012, as amended, shall remain as is without further revision and such contract is hereby confirmed.

IN WITNESS WHEREOF, the parties have caused this Second Amended Agreement to be executed and their official seals affixed hereto on the day and year first written above.

(SEAL)

CITY OF SANIBEL

ATTEST:

BY: _____
Kevin Ruane, Mayor

Pamela Smith, City Clerk

WITNESS:

Witness #1 Signature

Witness #1 Printed Name

BY: _____
Mahnaz Bassiri, Fitness Instructor

Witness #2 Signature

Witness #2 Printed Name

APPROVED AS TO FORM:

Kenneth B. Cuyler
Kenneth B. Cuyler, City Attorney

4/24/13
Date

Sylvia A. Edwards
APPROVED FINANCIAL SUFFICIENCY
Sylvia A. Edwards, Finance Director