



Legislation Details (With Text)

File #: 220683 **Version:** 1 **Name:**
Type: Ordinance **Status:** Passed
File created: 8/9/2022 **In control:** Council
On agenda: 8/18/2022 **Final action:** 8/18/2022

Title: Approving and authorizing settlements of Disputed Natural Gas February 2021 Invoices with Symmetry Energy Solutions, LLC in the amounts of \$586,376.09 for the Water Services Department and \$824,385.71 for the Aviation Department; authorizing the City Attorney to execute a Settlement Agreement with Symmetry; authorizing the City Attorney to execute a \$50,000.00 sole source contract amendment for a total contract amount of \$150,000.00 with Smithyman & Zakoura, Chartered; and authorizing the City Attorney to assign the legal services contract with Smithyman & Zakoura to Foulston Siefkin LLP and execute a new contract.

Sponsors:

Indexes:

Code sections:

Attachments: 1. fact sheet-symmetry, 2. TMP 2132 - Fiscal Note v1, 3. Authenticated Ordinance 220683

Date	Ver.	Action By	Action	Result
8/18/2022	1	Council	Passed	Pass
8/17/2022	1	Finance, Governance and Public Safety Committee	Adv and Do Pass, Consent	Pass
8/11/2022	1	Council	referred	

ORDINANCE NO. 220683

Approving and authorizing settlements of Disputed Natural Gas February 2021 Invoices with Symmetry Energy Solutions, LLC in the amounts of \$586,376.09 for the Water Services Department and \$824,385.71 for the Aviation Department; authorizing the City Attorney to execute a Settlement Agreement with Symmetry; authorizing the City Attorney to execute a \$50,000.00 sole source contract amendment for a total contract amount of \$150,000.00 with Smithyman & Zakoura, Chartered; and authorizing the City Attorney to assign the legal services contract with Smithyman & Zakoura to Foulston Siefkin LLP and execute a new contract.

WHEREAS, Smithyman & Zakoura, Chartered (“the Firm”) has a long standing specialty practice area in the natural gas and pipeline industry; and

WHEREAS, the Firm represents end users of natural gas and electric energy and does not represent either natural gas marketers or natural gas transportation pipelines (e.g. Southern Star Pipeline) or natural distribution delivery pipelines (e.g. Spire.); and

WHEREAS, the City has previously entered a sole source contract with the Firm in the amount of \$100,000.00; and

WHEREAS, the Firm has represented the City in negotiations with Symmetry Energy Solutions, LLC (“Symmetry”) and has advised the City on the issuance of a new RFP for natural gas and natural gas transportation services; and

WHEREAS, the City needs to amend the contract in the amount of \$50,000.00 so the Firm can complete legal representation of the City for the Symmetry settlement and to continue to advise the City on its re-solicitation of natural gas and natural gas transportation services; and

WHEREAS, effective August 1, 2022, all attorneys of Smithyman & Zakoura will become members of the Foulston Siefkin LLP; and

WHEREAS, this will necessitate the City Attorney to the assign the contract from Smithyman & Zakoura and execute a new contract with Foulston Siefkin LLP; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the payment of the sums of \$586,376.09 for the Water Services Department and \$824,385.71 for the Aviation Department to settle the Disputed Natural Gas February 2021 Invoices with Symmetry Energy Solutions, LLC as recommended by Outside Counsel, the City Attorney, and the Risk Management Committee, is hereby authorized and approved.

Section 2. That the City Attorney is authorized to execute a Settlement Agreement with Symmetry Energy Solutions, LLC.

Section 3. That the City Attorney is hereby authorized to pay the following settlement amounts from funds previously appropriated in the respective designated accounts:

23-8010-802110-615100	Supply-Operations	\$353,362.64
23-8010-802110-615100	Supply-Operations	6,772.85
23-8110-802140-615100	Wastewater Treatment-Operations	226,240.61
23-8300-622355-615100	Central Utilities Plant	637,651.57
23-8300-622353-615100	Central Utilities Plant	<u>186,734.14</u>
	TOTAL	\$1,410,761.81

Section 4. That the City Attorney is authorized to execute an amendment to the sole source professional services contract with Smithyman & Zakoura, Chartered law firm in an amount not to exceed \$50,000.00 to provide legal representation regarding natural gas billings and the re-issuance of RFP for the purchase of Natural Gas and Natural Gas Transportation services.

Section 5. That the City Attorney is authorized to assign the sole source professional services contract with Smithyman & Zakoura, Chartered law firm to Foulston Siefkin LLP and to execute a new contract with Foulston Siefkin LLP.

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

Tammy Queen
Director of Finance

Approved as to form and legality:

Jim Brady
Assistant City Attorney