



Roll Call Number

12-1331

Agenda Item Number

8D

Date August 27, 2012

APPROVING RETENTION OF FAEGRE BAKER DANIELS TO PROVIDE ADVICE AND REPRESENTATION ON RAILROAD MATTERS FOR THE SOUTHEAST CONNECTOR PROJECT BETWEEN SE 14TH STREET AND SE 30TH STREET

WHEREAS, the FY2012 Appropriations Act appropriated \$500 million to be awarded by the Department of Transportation for National Infrastructure Investments. Due to the similarity to previous appropriation for the Transportation Investment Generating Economic Recovery, or "TIGER Discretionary Grant", DOT is referring to the grants for National Infrastructure Investments under the FY 2012 Appropriations Act simply as "TIGER Discretionary Grants"; and

WHEREAS, on February 27, 2012, by Roll Call 12-0266, City Council authorized submitting an application for the TIGER Discretionary Grant for the Southeast Connector Project between SE 14th Street and SE 30th Street; and

WHEREAS, on June 22, 2012, the U.S. Transportation Secretary announced the projects selected to receive funding from the TIGER 2012 program, including \$10 million for the Southeast Connector; and

WHEREAS, the City Council is approving a Conditional and Preliminary Term Sheet for the TIGER Discretionary Grant for the Southeast Connector project between SE 14th Street and SE 30th Street which will be the basis of the final TIGER Grant Agreement will be negotiated between the U.S. Department of Transportation, Federal Highway Administration and City of Des Moines following execution of this Conditional and Preliminary Term Sheet; and

WHEREAS, Conditional and Preliminary Term Sheet includes the project scope, budget and schedule for the Southeast Connector – SE 14th Street to SE 30th Street provides that the City is to have agreements with the Railroads by December 2012.

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NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

- That it hereby approves retaining Faegre Baker Daniels to provide advice and representation with respect to the railroad issues for the Southeast Connector Project between SE 14th Street and SE 30th Street hourly rates for lawyers and staff as follows:

David Jann	\$295.00
Stuart Ruddy	\$290.00

with a 7.5% discount from the standard rate above. It is further approved that the City Attorney may authorize other attorneys with specialized expertise as may be necessary, which may be at a higher rate, including out of pocket expenses.

- That it authorizes and directs the City Attorney to execute an Agreement for Legal Services with Faegre Benson Daniels, including a conflict waiver, and or such other agreement as is necessary to secure such representation and authorizes payments in accordance with any such agreement and this resolution.

Moved by Coleman to adopt.

FORM APPROVED: Kathleen Vanderpool
Kathleen Vanderpool
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED APPROVED
T. M. Franklin Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Diane Rauh City Clerk