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EBMUD land swap deal with Lafayette reaches an impasse

By John T. Miller

As the East Bay Municipal Utility District closes in on finishing the new pumping station near Mt. Diablo Court in the eastern part of Lafayette, cost overruns have caused the city council to consider its options on how to proceed with the land swap agreement made with the utility district.

According to City Manager Steven Falk's report to the council at its Oct. 23 meeting, EBMUD approached the city in 2011 with the need to replace its pumps that sat next to Ace Hardware.

The two staffs negotiated a land swap that allowed EBMUD to build a new pumping plant at the current location, in exchange for putting in a parking lot at the old site. They also worked together to generate estimated costs to complete the improvements.

Falk reported that the economy and competitive bidding environment have significantly changed since that time, causing both the pumping station and parking lot to go over budget.

"We entered into a series of frank conversations between EBMUD and Lafayette staffs to find the right balance of how much each should pay," Falk said. "We've reached a tentative agreement where everyone is mutually dissatisfied."

EBMUD will claim responsibility for approximately \$90,000 worth of the parking lot project, while the city of Lafayette will need to come up with about \$158,000 more.

The lot would hold about 16 cars and bring relief to a part of downtown in great need of parking, especially on the weekends.

One option suggested would be to accept the \$90,000 in credit and have the city take over the project, but Mayor Mike Anderson echoed concerns of the staff that that option might end up costing the city even more. There was also concern regarding deadlines. Once EBMUD is through with the pumping station and releases its contractor, the city would be left with an unfinished lot.

The council voted 5-0 to continue the discussion until the next meeting to review the six-year-old land swap agreement, the parking needs survey and how to argue the case. The council also agreed to call an emergency meeting earlier, if necessary.

Several members of the community spoke on another issue concerning the roadway near the EBMUD power plant, questioning the length of the median proposed on Mt. Diablo Boulevard somewhere near the cemetery in the east end of Lafayette.

Three speakers were concerned about the length of the median - EBMUD claimed it needed to be 4 feet long to protect an air valve, while the city plans indicated 50 feet. They requested that the council be aware that it would affect their end of town in a negative fashion.

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