



Agenda Date: 6/5/2007  
Agenda Placement: 6W

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Michael Stoltz for Robert Peterson - Director  
Public Works  
**REPORT BY:** Larry Bogner, Civil Engineer, 253-4351  
**SUBJECT:** Professional Services Agreement with Winzler & Kelly Consulting Engineers

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### **RECOMMENDATION**

Director of Public Works requests approval of and authorization for the Chair to sign an agreement with Winzler & Kelly Consulting Engineers for a maximum of \$5,000 for the term June 5, 2007 through July 30, 2007 for review of a structural capacity report regarding a culvert bridge across Soda Creek prepared by Chaudhary Associates for adequacy and conformance to professional engineering practice.

### **EXECUTIVE SUMMARY**

On September 23, 2003, as part of hearing regarding an appeal of Erosion Control Plan No. 02461-ECPS, the Board of Supervisors adopted Resolution No. 03-166. This resolution directed that the County would hire an independent third-party professional engineer to review plans and certification documents provided by the applicant to verify the structural integrity of the culvert bridge and the propriety of the final design. The applicant was also responsible for the cost of that peer review. The proposed agreement will hire Winzler & Kelly Consulting Engineers to provide that review consistent with Resolution No. 03-166.

### **FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Public Works
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	This actions fulfills the requirements of Resolution No. 03-166.
Is the general fund affected?	No

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Future fiscal impact:	Agreement continues into FY 2007-08 where revenues and expenditures are also appropriated.
Consequences if not approved:	Peer review by a professional engineer will not occur as mandated by Resolution No. 03-166.
Additional Information:	Deposit amount from applicant will be used for reimbursement of the cost of the agreement and for reimbursement of County staff time. Any excess deposit above actual costs incurred by the County will be refunded to the applicant.

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **BACKGROUND AND DISCUSSION**

County Code requires that every building, whose driveway includes a structure in the driveway, have that structure certified by a Professional Engineer as part of the building permit. The certificate is intended to provide evidence of the structure's capability to carry an HS-20 load (40,000 pounds). The State of California Fire Safe regulations also contain the same 40,000 pound minimum load capacity.

Mr. and Mrs. Viney have been working on the plans for a new house on Soda Canyon Road in the unincorporated area of Napa County. The Viney's driveway crosses Soda Creek. One of the conditions of the building permit is certification of an existing culvert/bridge across the Creek.

Chaudhary & Associates, a professional engineering firm, analyzed the structural capacity of Mr. Viney's culvert/bridge. Mr. Viney's house development plans also included an Erosion Control Plan (ECP). A neighbor appealed the County's approval of the ECP. During the appeal hearing another engineer hired by the appellant neighbor disputed the Chaudhary certification.

At the conclusion of the hearing on September 23, 2003 the Board of Supervisors adopted Resolution No. 03-166. Section 2, paragraph D of the resolution directed Mr. Viney to provide full funding to the County, with which the County would hire a third-party professional engineer to review plans and certification documents provided by Mr. Viney to verify the structural integrity of the culvert bridge as it presently exists and the propriety of the final design. The resolution also directed Mr. Viney to make a cash deposit of \$6,250, and a letter of credit or bond in the same amount to allow for the retention of the third party engineer. Mr. Viney has made a cash deposit in the amount of \$12,500 to the County which will satisfy both the deposit requirement and the letter of credit/bond requirement.

A Requests for Qualifications was submitted to seven engineering consultants, with a copy to an engineering clearing house as well. Two engineering firms submitted statements of their qualifications. Winzler & Kelly Consulting Engineers is recommended based upon its extensive civil and structural engineering experience in both residential and commercial buildings, and in structures ranging from culverts to highway interchanges.

Winzler & Kelly will complete the following tasks in accordance with the Board's resolution No. 03-166:

1. Visit the site as necessary.
2. Review the structural capacity report prepared by Chaudhary Associates dated August 18, 2003 which

included a related Geotechnical report prepared by Miller Pacific dated June 23, 2003 for adequacy and for conformance to professional engineering practice.

3. Prepare a draft written report and submit it to the Public Works Department.
4. Provide any revision of the report requested by the Public Works staff.
5. Prepare a final written report and submit it to the Department of Public Works.

**SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi