



MEMORANDUM

Date: August 25, 2015

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator

A handwritten signature in black ink, appearing to be "CHH", is written over the printed name "C.H. Huckelberry".

Re: **Dusenberry-River Library – Damage Claim and Demand for Corrective Action**

On August 17, 2015, I advised the Board of Supervisors the County would be making a claim against the River Center Shopping Center property manager for costs incurred as a result of water leak damage at the Dusenberry-River Library.

Our request for reimbursement of costs incurred, as well as a demand for a corrective action plan, was issued today to GRI River Center, LLC. A copy of my correspondence to GRI is attached for your information and review.

CHH/mjk

Attachment

c: Melinda Cervantes, Director, Library District
Michael Kirk, Director, Facilities Management
Anthony Cisneros, Deputy Director, Facilities Management



COUNTY ADMINISTRATOR'S OFFICE

PIMA COUNTY GOVERNMENTAL CENTER
130 W. CONGRESS, FLOOR 10, TUCSON, AZ 85701-1317
(520) 724-8661 FAX (520) 724-8171

C.H. HUCKELBERRY
County Administrator

August 25, 2015

VIA CERTIFIED MAIL

James Kahler, Senior Vice President
GRI River Center, LLC
c/o First Washington Realty, Inc.
4350 East-West Highway, Suite 400
Bethesda, Maryland 20814

**Re: Dusenberry-River Center Library, River Center Shopping Center, 5605 E. River Road,
Suite 105, Tucson, Arizona**

Dear Mr. Kahler:

This letter is Pima County's formal notice of the serious situation at the Dusenberry-River Center Library in the River Center Shopping Center (RCSC) and to demand that GRI River Center, LLC (GRI) take immediate, appropriate action to fully remedy the causes. We further demand that GRI fully reimburse Pima County for our costs incurred in attempting to mitigate adverse impacts to the library and its patrons.

On the afternoon of August 19, 2015, a major water leak occurred in the ceiling of the exterior covered hallway at the rear of the Pima County-owned Dusenberry-River Library located in the northeast corner of the RCSC. Librarian Helene Woodhams notified Ms. Erica Nielsen of your property management company, Evergreen Commercial Realty (ECR), whose office is located in Phoenix, of this leak, which was accompanied by a strong odor of sewage. This sewage odor in the carpeted meeting room circulated to the entry lobby until Ms. Woodhams closed the meeting room. Expert Plumbing, who was hired by ECR, responded and determined sewage water was leaking from Harvest Restaurant, which is located above the library. A Pima County Facilities Management Department (FMD) maintenance employee was dispatched after normal business hours to purchase, fill and place sandbags at the rear door of the library to prevent sewage water from entering the library. Two additional supervisory employees who work in the custodial and real estate divisions of FMD were also required to work after business hours to assist our custodial staff, who could not enter the rear hallway due to the sewage water and to contact Ms.

Mr. James Kahler

Re: **Dusenberry-River Center Library, 5605 E. River Road, #105, Tucson, Arizona**

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Nielsen, Ms. Woodhams and our Risk Management Department to determine the actions needed to control the area of leakage and monitor the arrival of the remediation company.

On August 13, 2015, the library also experienced two separate water leaks, which were determined to be from 1) a backflow valve and 2) a soda line, both of which service Harvest Restaurant.

The personnel and material costs incurred by FMD and Library employees to respond to the August 13 and August 19 leaks total \$3,331.34.

Prior to the two August leaks discussed above, the following other instances of water leaks have occurred at the Dusenberry-River Library since March 30, 2015:

Incident Date	Leak Location/Description
March 30	Storage Room ceiling leak caused by the Skybox dishwasher.
April 2	Children's Room ceiling leak caused by the drain in the breezeway.
April 11	A second, new Storage Room ceiling leak.
May 2	Leaks affecting the Men's Restroom hard ceiling and ceiling tiles in the hallway outside the Men's Restroom and in the Meeting Room caused by clogged Skybox bar sink.

The leaks into the library and the damage that results from these leaks are unacceptable. Pima County is required to and endeavors to provide a clean, sanitary and attractive environment for adults, students and children who patronize the library. In the interests of preserving a healthy and appropriate environment for the patrons of the library, Pima County demands that GRI immediately take the following actions:

1. Reimburse Pima County in the amount of \$3,331.34 within 15 days for our costs resulting from the August 13 and August 19, 2015 water leaks. GRI's check in this amount, made payable to the Pima County Treasurer, should be mailed to my attention at the address on Page 1 of this letter.
2. Arrange for a comprehensive inspection by a licensed plumbing contractor of all plumbing and beverage lines associated with Harvest Restaurant and at all other locations that affect and/or may affect the library. Designated Pima County FMD employees must be present for all inspections, and GRI will be required to reimburse Pima County for the cost of their time. FMD Deputy Director for Maintenance and Operations, Mr. Anthony Cisneros, is the County's designated point of contact for the scheduling of these inspections. Mr. Cisneros may be reached at 520.724.3037 and tony.cisneros@pima.gov.

Mr. Cisneros shall also receive written copies of all inspection reports.

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3. Conduct a high-pressure water test on the Second Floor common area near the elevator where water previously leaked as a result of pressure cleaning. Pima County FMD employees must be present at the time of all testing. Please direct your property manager to contact Ms. Melissa Loeschen in Pima County FMD Real Estate Services to coordinate the date and time of this test. Ms. Loeschen may be reached at 520.724.8230 and melissa.loeschen@pima.gov.

Ms. Loeschen shall also receive written copies of all test results.

4. Require that ECR maintain an in-Tucson employee; or in the alternative, retain a Tucson-based professional commercial property manager who shall be on-call available to Pima County FMD and Library staff to respond to emergency situations at the library.

As you may be aware, earlier this year, the Dewhirst-River Library was included in the list of potential library locations that might be closed, and the water leaks into the library were cited as a factor. After discussions with the Library Director and with input from the public, the Board of Supervisors ultimately voted not to close any libraries.

It is GRI's responsibility to immediately take all necessary corrective actions to ensure the library is safe and open for public use.

Within 15 days of receipt of this letter, please provide me with GRI's proposed corrective action plan, as well as your check in the amount of \$3,331.34 for Pima County costs incurred as a result of the water leaks that occurred on August 13 and 19, 2015. I look forward to receiving your response.

Sincerely,



C.H. Huckelberry
County Administrator

CHH/mjk

- c: Melinda Cervantes, Director, Pima County Library District
Michael Kirk, Director, Pima County Facilities Management
Anthony Cisneros, Deputy Director, Pima County Facilities Management
Erin Nielsen, Evergreen Commercial Realty, LLC, 2390 E. Camelback Road, Suite 410, Phoenix, Arizona 85016 (via certified mail)