

INTEROFFICE MEMO

OFFICE OF THE CITY ATTORNEY

CONTACTS/ACTIVITIES BETWEEN CITY AND HITCHING POST

8-31-2006: Mehmood Mohiuddin (“Mo”) bought Dash-In at 2341- 2345 N. Apache Trail, Parcel #s 100-25-04205 & 100-25-04304 from D.O.J. Inc.

12-29-2008: Joe Severs (former disgraced councilmember who resigned due to being caught living outside the city limits contrary to applicable law) approached the development services department with a proposal to convert a storage building into a 2800 square foot pizza pub/restaurant. The department estimated development fees would be (as figured by city consultant Carson Bise) \$58,948.00.

12-30-2008: Severs came to City Attorney Richard Joel Stern (“RJS”) to advocate since no impact is being made, the fees are unfair. RJS told him he would have to appeal the fee assessment to council.

1-8-2009: Severs came to the city clerk’s office requesting business license and liquor license information on new restaurant.

1-12-2009: Severs was told by the Development Fee Administrator and Development Services Director (“DSD”) Brad Steinke the development fees would be \$52,948.00. Severs demanded a waiver which was denied by DSD Steinke. Severs appealed to the council.

1-20-2009: Council directed staff to negotiate an economic development agreement (“DA”) for pizza pub and agreed to waive road development fee of \$46,488, but developer was to pay police and general government development fee of \$6,460; there shall be a site plan that complies with zoning code parking (with 10% courtesy administrative waiver of parking spaces) and site plan that complies with landscaping regulations; construction drawings – site plans shall be stamped by registered architect or engineer and meet all codes; installation of fire sprinklers if over 99 person occupancy; business license requirements shall be met and all septic/sewer requirements; a cross access parking agreement shall be prepared and recorded by Mo; screening and landscaping; and other standard terms.

1-22-2009: Principal Economic Development Specialist (“PEDS”) Janine Solley made contact with Mo on project (hereinafter referred to as the “Hitching Post” or “HP” restaurant).

1-28-2009: RJS finished first draft of DA and sent to staff and Mo for comments.

2-17-2009: Development fee waiver request and DA approved by council in a vote of 7:0 as follows:

Mo obligations:

- A) Pay \$6,460 for police and general government development fees**
- B) Build project in accordance with site plan/Exhibit B & Exhibit C (with 10% courtesy administrative waiver of parking spaces); landscaping and building improvements & driveway entrances**
- C) Must have registered architect/engineered stamped plans**
- D) Fire sprinklers required if occupancy is greater than 99**
- E) Pay business license fee and get transaction privilege tax (“TPT”) license**
- F) Sewer/septic compliance**
- G) Provide and record shared parking/cross access easement**
- H) Dumpster screening**
- I) All other applicable laws apply**

City Obligations:

- A) Waive road development fees in the amount of \$52,948 (The council’s waiver of this fee resulted in the city manager pursuant to A.R.S. § 9-463.05 replenishing the development fee fund with city general dollars)**
- B) Certificate of Occupancy (“C of O”) to be issued if noted items are completed**
- C) City shall review plans, redline changes and return to Mo in timely fashion**
- D) Exhibit B site plan states it can be viewed at DSD since the document is too large for recordation, however, the final version only showed area for HP restaurant, Dash-In Convenience Store and old gas station area**
- E) Exhibit C: same recordation obstacles and depiction**

2-19-2009: City Building Division review of various code issues, such as: occupant load to be no more than 99 to avoid fire sprinklers, compliance with the American with Disabilities Act (“ADA”), engineering for truss, exit plan/stairs/grease trap, ADA parking/interior walls/elevations, hood & shaft, floorplan bar joist, flushing roof covering, beams and other construction items.

2-25-2009: Mo discrimination allegation involving plan review. Staff reviewed plans very timely and created redlines that needed to be addressed. Mo's architect failed to appear at meeting, so building staff explained problem to Severs and Mo. After an hour, it was clear the architect was needed since the other two did not understand the technical requirements. Mo & Severs said during the meeting that staff has a vendetta against them and staff treated them like "dogs". DSD Steinke also attended meeting with Building Official ("BO") Dennis Dixon and said Mo and Severs were treated in honest and fair manner, plans could not get approved until these life safety issues were addressed and corrected; if their architect was present, things would have worked out better; and Severs had historical negative experience with DSD and City which incited his adversarial stance in the meeting.

4-7-2009: Mo spoke to staff and went to Council Call To The Public session and requested: 1) a suspension of landscaping requirements; 2) issuance of Temporary C of O ("TCO") not being contingent upon completing the landscaping so that business can start making money to pay for landscaping features.

4-10-2009: Email from PEDS Solley to City Manager ("CM") George Hoffman: She met with Mo & Severs, advised item is on council meeting agenda for 4/20 work session for proposed TCO, 4-21 public hearing for landscaping issues. Also all building code issues would have to be addressed before C of O is issued. Severs is 50% owner now of HP Restaurant.

4-20-2009: Email from DSD Steinke to BO Dixon & Legal Assistant ("LA") Nichole Fernandez re: waiver of landscaping so that TCO can be used. This will be first amendment to DA. BO Dixon will only issue TCO if all fire/safety, ADA, building, electrical, mechanical, plumbing systems are completed.

4-21-2009: Email from Police Officer Glenn Durkin to Deputy City Clerk ("DCC") Jan Mason re: liquor license application. Durkin had issues with parking and planters. Also said he was told owners of south lot adjacent to HP restaurant (Park & Save) made arrangements with Mo for more parking. Durkin was concerned that people would park along and across SR 88 and people would walk across SR 88 which presents a dangerous condition.

4-21-2009: City Clerk ("CC") Kathy Connelly email to CM Hoffman & staff re: Mo's failure to have contractors and subcontractors licensed with city & TPT license.

4-21-2009: Council granted Mo's request at council meeting in a vote of 6:1 to allow TCO without first completing the landscaping, permanent parking delineations and barricading placements and suspension of this requirement 45 days after issuance of TCO.

4-22-2009: Conversation in person between RJS and Mo: Mo was upset at city resident speaker Noel Benoist's comments at council meeting re: on-site accidents. RJS told him Benoist was wrong and told Mo any change to indemnification provision would have to go through council. Mo was not happy and left the city attorney's office.

4-23-2009: RJS changes sent to BO Dixon and Mo re: 1st Amendment.

4-30-2009: RJS asked Mo when will he sign off on Amendment?

5-5-2009: Council recommended approval of application for a new Series 12 liquor license in a vote of 7:0 for HP Pizza Pub to the Arizona Department of State Liquor License Control ("DLLC").

5-7-2009: Mo asked LA Fernandez for a cross access easement sample that he could tailor to meet the conditions of the DA and she emailed him one at RJS's direction.

5-8-2009: 10 am – Muhammad Ziaullah ("Zee") (Mo's brother or cousin), Mo & Severs visited RJS's office and spoke to LA Fernandez. She printed out the 1st Amendment for Mo to sign and reminded him that he needed to do a cross access and parking agreement and get it recorded. Mo & Zee said it was done already. LA Fernandez called DSD Steinke and BO Dixon to come over to talk to them. They came over and argument ensued re: city delaying the process and the requirement of a recorded cross access parking easement would delay opening over the weekend.

DSD Steinke corrected them and told them they were already aware of the requirement two weeks prior. DSD Steinke said the 5-4-09 draft was insufficient for various technical issues, including the exhibits.

Severs called RJS a "paranoid idiot" re: parking lot configuration. Severs demanded immediate sign off. Severs stormed off in a rage.

LA Fernandez then gave Mo paper copy of the same sample cross access easement agreement she had emailed the previous day at RJS's instruction. Mo said he had printer issues and couldn't print it. He asked for someone to help him create the official document. He even asked LA Fernandez if she could draft

it. LA Fernandez told him he had to get it done including all legal descriptions and diagrams and bring back for review.

The same day but in the afternoon, Zee & Mo brought copy of an easement they drafted. LA Fernandez told them RJS would review it upon his return from an out-of-town conference. When they heard this, they accused the city of not having sufficient personnel to handle the matter efficiently. They then went to DSD Steinke for his help so they could open over the weekend. RJS returned over Mother's Day weekend to review their product and still saw errors that needed to be addressed.

5-8-2009: 1st Amendment to DA was fully executed. It included modification to § 3 (B) site plan compliance and issuance of TCO and final C of O. Parking got a 10% courtesy administrative waiver for parking spaces. Landscaping and barricading, as well as permanent parking delineations were allowed to be completed 45 days from date of TCO. Parking space striping would then be required within 10 days after that time. TCO will be issued only if Mo requested final inspection and all life safety codes have been met. Also, 1st Amendment waived Exhibit 2 landscaping buffer setbacks or installation of perimeter masonry wall.

5-11-2009: Mo executed cross access and parking agreement between HP parcel and Dash-In parcel.

5-11-2009: TCO was issued for HP at 2341 N. Apache Trail by BO Dixon for 45 days with condition Mo comply with all requirements of 2-18-09 DA and 1st Amendment prior to final C of O being issued. This TCO will expire on 6-25-09.

5-11-2009: RJS email to Mo re: cross access easement and parking. RJS told him to record and get DSD a copy, then BO Dixon would issue a TCO. RJS defended city's handling of the situation. City expedited everything and the only delay was HP's. RJS stated Mo's partner Zee treated RJS's assistant LA Fernandez badly and therefore RJS told Mo to contact RJS directly in future.

5-11-2009: 10 am – Mo & Zee came to RJS expecting immediate action on cross access easement. RJS sat down with them and explained the critical flaws in the cross access agreement and suggested several changes. They agreed to make them, to record the easement and take a copy back to DSD.

Both gentlemen then confessed their problems and frustration with Severs. They paid him \$10,000 up front for beginning construction, then another \$6,000, then another \$16,000 for two employees/subcontractors. Severs demanded 10% of the profits, which Mo rejected.

Mo and Zee said they were sorry they ever entered into this relationship with Severs and that they would have done it differently if a do-over was possible. They said original cost was \$85,000 but Severs escalated it to \$165,000. They said they were never in the restaurant business before and RJS told them they needed to be more careful when they choose business partners.

They then thanked RJS profusely, returned to DSD later in the morning/early afternoon with a “marginal” easement document and were issued the TCO by DSD.

6-22-2009: C of O issued by BO Dixon.

7-31-2009: Meeting with CC Connelly/Mo/Assistant Planner Janet Ochoa: The problem was the diagram on liquor license for extension of licensed premises as it only showed front patio, not back patio. Mo agreed to amend it for both, but demanded the matter be placed on the August 4th agenda. He was told it was too late to meet public notice agenda requirements, so the matter needed to be placed on August 18th agenda instead.

8-6-2009: Senior Planner (“SP”) Rudy Esquivias email to DCC Mason re: HP extension of licensed premises request in which it was explained that the conceptual plans showed a future wooden deck patio fronting SR 88 but it hasn’t been built yet. SP Esquivias noted that if Mo wanted to have a patio in back of the building to the east of the restaurant instead of in the front of the building viewable from SR 88 where customers could eat, drink and smoke, there are no staff concerns. However, if Mo intended on having a patio in the front of the restaurant, staff would have a parking concern since the existing combined uses on the site, even with a shared parking agreement, are “just about at their parking limit”. Mo should also according to SP Esquivias contact the building division on whether the enclosed back patio requires any permits and inspections.

8-18-2009: Council recommended approval in a vote of 7:0 of application for a permanent extension of premises liquor license for HP Pizza Pub to Arizona DLLC (allowing liquor sales on patios).

10-15-2009: Severs lodged complaint with City and other governmental entities re: HP, fire/life safety issues and parking due to Sever’s crippled relationship with Mo.

10-26-2009: Letter/memo from BO Dixon to Mo setting forth building code violations at HP, as follows:

- Occupant load increase with more tables and chairs seen taking space of where video games were previously located. Must be fewer than 100 occupants or else fire sprinklers are required.
- Stairs built without permit. Can't have storage above restrooms and kitchen. This would increase occupant load to over 100, so fire sprinklers would be required. Mo was told to remove stairs.
- Ice machine requires permit and inspection for electric and plumbing and county health department approval.
- Reminder of garbage dumpster screening due date of 6-22-2010.
- No parking is allowed on unpaved dirt adjacent properties – violates federal air quality particulate regulations.

11-6-2009: Sign complaints/banners illegal – Mo removed upon request.

12-2-2009: *AFAB (Anything For A Buck) Inc. (Severs' Construction Company) v. Mo* lawsuit (Pinal County Superior Court) filed by Severs relating to Severs/Mo partnership dispute.

1-20-2010: Email from SP Esquivias to DCC Mason advising no staff objections to request for one-day extension of premises during Lost Dutchman Days event (2-26-10).

2-2-2010: Council recommended approval in a vote of 7:0 of application for a temporary extension of premises permit liquor license for HP Pizza Pub during Lost Dutchman Days (2-26-10) to the Arizona DLLC.

3-19-2010: SP Esquivias commented via e-mail to PEDS Solley regarding Mo's intent to move a large chicken statue from the front patio to the roof for visibility of the business. Mo and Zee were told they needed to file a permit application for placement of the statue on the roof and must demonstrate how it would be secured, how it would support weight and how it would be illuminated and exact location with dimensions. Also, staff requested elevations of all existing signs and proposed signs and dimensions. If all was done to satisfaction of city, permits will be issued.

10-12-2010: Note from SP Esquivias: Chicken statue was erected on HP roof above door without permits over weekend and that Mo was informed he needed a building permit for the placement back in March 2010.

10-12-2010: Zee was cited for no building permit for statue installation, a misdemeanor violation.

10-19-2010: SP Esquivias email to staff re: signage and outstanding issues past due (screen wall around dumpster) and construction of above-ground landscape planters along property frontage. All plants are dead and have not been watered or replaced. Center planter is falling apart and is in state of disrepair.

10-19-2010: PEDS Solley email to Mo: Forwarded SP Esquivias's email re: they must do the things noted above and get permit for statue.

10-19-2010: Council recommended approval in a vote of 7:0 of application for HP's personal transfer, Series 6 liquor license to Arizona DLLC.

10-26-2010: Chicken statue case was reduced to civil violation; \$250 fine and defendant amended to Hitching Post, with Zee and Mo being dismissed in their individual capacities.

1-10-2013: Memo from SP Esquivias to staff and Mo re: permit extension for liquor license for alcohol sales in new bull riding observation area with the following notes:

- **Planters need revision**
- **Add new pedestrian gate to eastern corner of Dash-In to move people in & out from back of HP to arena area**
- **Remove and sawcut asphalt where arena is being located**
- **Portable lights set up in corners of arena**
- **Parking areas on NW side of building needs redesign for maximum vehicle spaces**
- **Relocate dumpster to SW side of HP**
- **Unload bulls at NE corner of property off Lost Dutchman with internal fencing**
- **Shared parking agreement needs to be more formal and needs contingency plan if HP loses right to use area (to the south)**

1-10-2013: Police Chief Monahan email/memo to DCC Mason for extension of premises on sales of alcohol around bull riding arena: The chief recommended denial since parking is a safety issue, especially for SR 88, and due to speed limit of 50 mph, no paved shoulder, heavy traffic, no deceleration lane for HP business on SR 88, trucks with bulls will really slow it down, and bull could get out onto highway.

1-14-2013: Meeting with Mo on all bull riding issues with all pertinent staff present to discuss bull riding proposal.

1-16-2013: Email from SP Esquivias to staff re: liquor license extension of premises:

- **Zoning is CB-2 (General Business) with an outright use for “amusement” or recreational enterprise (outdoor). Bull riding arena is proposed like Buffalo Chip Saloon in Cave Creek. CB-2 allows this type of activity.**
- **Original DA says 38 onsite spaces required for HP restaurant. Proposed site plan only shows 20 onsite parking spaces since arena, spectator area and livestock delivery area is now taking up 18 spaces out of original 38 spaces. Mo has agreement with property owner to south of HP to accommodate additional offsite parking which “seems to suffice” for the convenience store and restaurant. If agreement goes away, parking will be needed elsewhere. Need parking diagram of offsite parking area and contingency.**
- **Recommends condition of approval that if lease ceases to exist for offsite parking in the lot to the south of HP, or expires or otherwise is discontinued until Mo gets new agreement for offsite parking elsewhere, bull riding activity shall be discontinued.**

2-5-2013: Council voted unanimously to continue the 2nd Amendment to the DA between Mo and the City to March 5, 2013.

3-5-2013: Council recommended denial in a vote of 6:1 of application for permanent extension of liquor license premises to include bull riding observation area to Arizona DLLC due to parking problems.

3-16-2013: Mo called RJS in emotional state for help on bull riding venue passage. RJS told him to get attorney and suggested veteran planning attorney Ralph Pew.

Mo then hired Attorney Pew to assist him in his new request for the bull riding feature in the form of a 2nd Amendment to the DA. Mr. Pew described the arena as an on-site entertainment adjunct use to the restaurant and not a stand-alone entertainment location. Patrons would have to walk through the restaurant to get to the bull riding observation area and could not access it through another entrance.

Spring through Summer 2013: Discussion between staff and Attorney Pew on newly refined proposal.

10-1-2013: Council passed 2nd Amendment to DA between Mo and the City to include a bull riding arena in a vote of 6 to 1, as follows:

- Allows Mo to build bull riding arena with operation times on Thursday and Saturday nights from 8 pm to 10 pm. Site plan includes the bull riding activity area.
- If use ceases, so does extension of premises for liquor sales in bull riding observation area.
- Bull riding activities are conditioned on shared parking agreements for overflow off-site parking on vacant property to the south, or across Lost Dutchman Blvd to the north at Elks Lodge. Should both of these shared parking agreements be terminated for any reason by off-site property owners represented in the agreements, all outdoor activities within extension of premises area, including bull riding arena attraction, **MUST** cease, until other comparable off-site parking arrangements are secured.
- Mo agrees to give City notice within 10 days in the event lease agreement for south lot with Zion International, *dba* ParkNSave Storage, or any lease with Elks, is terminated.
- Severability clause is amended.
- Exhibit B still only showed bull riding arena and HP and Dash- In. No depiction of east parking lot is on 2nd Amendment site plan.

10-1-2013: Council recommended denial in a vote of 4:3 of application for permanent extension of liquor license premises for Hitching Post LLC to the Arizona DLLC due to staff code concerns and parking/public safety issues set forth by police chief.

11-14-2013: RJS contacted Assistant Attorney General Sara Selzer who was assigned to the DLLC. She advised she had not received any backup material from the DLLC so RJS sent everything to her that the city clerk had previously sent relating to the recommended denial of extension of premises for bull riding observation area. She indicated there would only be a department determination and no hearing. City staff also gave her the link to the meeting from City's website so she could view the actual meeting. City staff later discovered Mo and a new attorney that he hired (not Mr. Pew) convinced the DLLC director to disregard the city's recommendation of denial, and consequently the extension of premises for liquor sales was issued.

6-5-2014: Zoning ordinance No. 1402 passed and adopted in May 2014 relating to CUPs and zoning designations became effective.

6-17-2014: Council approved 3rd Amendment to DA in a vote of 7:0 which included the following:

- Added new site plan and removed one in 2nd Amendment – because at time of plans submittal, Mo did not follow the plan approved with the 2nd Amendment; site plan is on file with development services department
- § 9 Insurance was also modified
- § 9(E) Installation of bullring observation area fence shall be by bonded contractor with Priefert panels required for exits
- § 9(U) Binding Effect & Assignment added
- Site plan is limited to just HP and bull riding areas, still did not show east or south lot for parking

7-15-2014: Mo purchased parcels from North Cortez, L.L.C., surrounding HP property (former parcels 100-25-001C, 001E, 003 and 010A).

11-4-2014: Council recommended approval in a vote of 7:0 of application for special event liquor license for Boys and Girls Club of the East Valley-Apache Junction Branch for 11-16-14 at southeast corner of East Lost Dutchman and North Apache Trail (to the east of HP) for Bellamy Brothers Concert to the Arizona DLLC.

11-19-2014: Letter to Mo from newly appointed DSD Larry Kirch re: horse rental staging operations: Mr. McFadden, the horse provider, didn't get business license for such activities. Mo needs CUP to have trails head business situated from his property.

12-16-2014: Council recommended approval in a vote of 7:0 of application for a special event liquor license for the Usual Suspects Law Enforcement Motorcycle Club Arizona Chapter for a concert to be held 1-10-2015 at HP to the Arizona DLLC with seven significant parking, noise, lighting, security, dust, signage and safety conditions.

1-12-2015: Memo from CC Connelly to staff detailing numerous liquor license issues with HP.

1-27-2015: Planning and zoning commission voted 5:0 for approval on Mo's application for a conditional use permit ("CUP") to conduct various outdoor entertainment activities adjacent to or near HP Restaurant (southeast corner area of N. Apache Trail and E. Lost Dutchman Boulevard) including concerts, gunfights, outdoor games, kid games, and parking accommodation for events with 17 conditions for screening fence and number of concerts per year, among other things.

1-29-2015: Friends of Apache Junction had issues with sponsorship for Mo. Friends of Apache Junction Board made no discussion on it at its meeting and

advised it would contact Mo in March with a decision. Ultimately, the board decided not to sponsor concert for Mo.

2-11-2015: Neighbors filed appeal to council on P&Z CUP for Mo events.

2-17-2015: Mo wanted to get out of CUP due to fencing requirement and told SP Esquivias in writing.

3-17-2015: Council hearing held on CUP appeal. Continued to April 7th.

3-25-2015: DSD Kirch sent NOV letter to Mo re: violations of 3rd Amendment involving lights, signs, western façade fence & other items.

4-7-2015: DSD Kirch sent NOV to Mo (status letter only) re: CUP/electrical work/liquor license issues/sign code.

4-7-2015: Council recommended approval of Mo's request to withdraw application in a vote of 7:0 for a permanent extension of premises/patio permit.

4-21-2015: Council moved in vote of 7:0 to accept Mo's withdrawal of CUP application thereby rendering CUP appeal of neighbors moot.

10-20-2015: Massive Mo public records request.

10-20-2015: Liquor license transfer from Gold Canyon HP to Dash-In (former convenience market on Mo's Apache Trail property).

9-20-2016: Council recommended denial in a vote of 6:1 of application for a permanent extension of premises for HP to the Arizona DLLC due to parking problems.

10-3-2016: Newly appointed Building Official ("BO") Dave Zellner memo to RJS and DSD Kirch re: Contractor/Applicant Mr. Parcels: Ron Nix contracted with Mo to build western façade/fence adjacent to HP under permit # BLD 2016-00044. Nix is an artist, not a contractor or engineer or architect.

Mr. Parcels reportedly stated Mo was refusing to make a contracted payment to Mr. Nix since the building permit had yet to be finalized; cost is \$12,000 and did not include cost of installation of steel posts and cross bars; Mo was supposed to do this or arrange for it. Mr. Nix, due to scheduling according to Mr. Parcels, utilized different method of construction than the required steel cross bars.

Background information:

Stop work order was issued 7-20-16. 8-31-16 Mr. Nix presented revised plans. They still were flawed and BO Zellner rejected them. Notes were made on them and BO Zellner contacted the designer.

Mr. Parcels said Nix paid \$700 for the plans but additions that Dave Zellner wanted would cost another \$700, but Mo would not pay it.

Mr. Parcels also said BO Zellner's requests were not needed and he wanted the original plans to be accepted.

There are unlicensed contractor issues here. Work does not conform to building codes.

10-4-2016: Council voted 2 in favor and 5 opposed for reconsideration on the council's negative recommendation to DLLC for HP's permanent extension of premises application (from 9-20-2016).

10-24-2016: Letter from neighbors' attorney Tom Galvin to RJS outlining all neighbors' issues, including nuisance, illegal zoning applied to bull riding event center, loss in property values, emotional distress, etc.

10-27-2016: Cami Garcia (who represented AJ High School Booster Club Black & Blue) desired to withdraw sponsorship event for special event liquor license with Mo.

11-1-2016: Response letter from RJS to Galvin.

11-17-2016: Notice of noncompliance letter from DSD Kirch to Mo re: hours of bull riding and city sign code violations (RV Storage lot sign placed in planter along SR 88):

- mentioned site visit on 11-2-16 to discuss HP issues
- sign is off-premise sign in violation of city code § 1-11-7
- 75% window covering rule violated
- banners are illegal
- hours of operation for bull riding under (B)(3) 3rd Amendment (10-1-13) 8 pm to 10 pm Thursdays and Saturdays. Mo posted flyer that referenced 7:30 pm to 9:45 pm as the hours. Mo also wanted "midget" wrestling in bull riding arena.
- Mo said to DSD Kirch he would be relocating parking for HP and Pita Pockets (formerly, Dash-In Convenience Store) from area within western town fence façade to rear of HP with the access from Lost Dutchman (eastern lot). DSD Kirch told Mo it was not allowed under current DA site

plan and suggested he present a new site plan to the city and would require a new DA application fee of \$1,675 and Council approval.

11-18-2016: Mo wanted meeting with RJS to discuss neighborhood uproar.

11-22-2016: Revocation of building permit for façade wall to Mo due to wall not constructed with plan and 2006 Building Code and no engineered plans making it unsafe.

11-28-2016: Notice of violations from DSD sent to Mo re: new Steakhouse Restaurant

- Occupancy changed from Dash-In Mini Market and allowed if 10% of square footage dedicated to retail, otherwise Pita Pockets is in violation of DA
- Converted 80 feet of area to retail. Needs plumbing permit.

1-2-2017: RJS and staff discussion with neighbors on HP pursuant to Council request.

2-21-2017: Council recommended approval in vote of 6:1 of application for temporary extension of liquor license premises for music festival at HP on 3-12-17 to Arizona DLLC.

3-7-2017: Council recommended approval in vote of 7:0 of application for interim permit, personal transfer LLC Series 7 liquor license for HP Steakhouse to Arizona DLLC.

5-8-2017: Notice of claim against city filed by HP neighbor Jimmy Johnson for \$1,000,000 re: failure of city to enforce zoning and nuisance laws against HP.

5-31-2017 to 6-2-2017: Staff emails relating to assistance to Mo for CUP application filing.

7-23-2017: Western wall in the south parking lot fell over.

8-5-2017: DSD Kirch email to Tina Lovelady (Mo's significant other)/Mo on discussion of CUP.

9-19-2017: Council recommended approval in a vote of 4:2 of application for a temporary extension of premises for liquor sales for a Daryl Singletary concert on 11-5-17 at HP to Arizona DLLC. Parking was still an issue and DSD recommended to Mo a new CUP to cover all events in various emails involving the item.

10-5-2017: NOV for DA violations.

11-21-2017: Email of DSD Kirch to staff re: neighbor and staff meeting concerning southern lot storage facility is a truck company operation, septic tank pumping operation (smell of septage), and dust from trucks & noise from semi-trailer refrigeration.

11-27-2017: Compliance agreement signed which covers:

- 1) Mo can still use bull riding area subject to original hours (8-10 pm, Thursdays and Saturdays) of operation.
- 2) Mo will file before 12-28-17 a completed CUP application with DSD.
- 3) Mo will follow all CUP processes.
- 4) Mo will use APN 100-25-001C for overflow parking relating only to HP/Steakhouse operation on APN 100-25-043A pending final disposition of Mo's application for broader authorization of uses under passed & adopted CUP.
- 5) If CUP is denied, Mo will cease & desist from using APN 100-25-001C for parking in connection with APN 100-25-043A within 10 days of denial.
- 6) Mo understands continuing violations of code and DA after denial of CUP are enforceable by criminal and civil processes.

February 2018: BOA action filed by HP neighbor *Bambi Johnson v City* - ultimately dismissed in May 2018. The issue on appeal was how many events triggered a CUP application.

3-14-2018: SP Esquivias apprised staff that Mo in 2017 combined his 5 lots into one; then re-split them again into 3 lots (now parcels 100-25-043C, 043D and 043E).

3-27-2018: P&Z Commission voted 6:1 for approval of a CUP application (CUP-9-17) filed by Mo to conduct various ancillary outdoor entertainment activities on parcel 100-25-043C, including all uses and future events with 25 conditions.

April 2018: Neighbors filed appeal of P&Z Commission 3-27-18 decision to Council.

5-15-2018: Council heard neighbors' request to appeal case CUP-9-17, rejected P&Z Commission's conditions and accepted staff conditions. Approved 7:0.

6-5-2018: Council heard motion for reconsideration on 5-15-18 CUP appeal. Motion to substitute to deny motion for reconsideration approved 5:2, leaving the Council's 5-15-18 decision modifying the CUP conditions intact.

6-9-2018: Email to Attorney Pew: Parking on east lot fully discussed. Not allowed until all conditions are met, inclusive of screening.

6-11-2018: Mo filed civil rights federal lawsuit filed against City and six employees in their personal capacities. *Mehmood Mohiuddin, Hitching Post Pizza & Pub LLC v. City of Apache Junction, et als*, United States District Court, CV-18-01180-PHX-GMS.

6-20-2018: Mo filed harassment lawsuit against neighbors *Mo v. Residents*, Pinal County Superior Court, Case No. CV2018-01067.

6-25-2018: Lease agreement recorded (purportedly executed 12-8-15) saying Mo leases to HP vacant south & eastern properties for \$1 per year.

10-11-2018: Email from DSD Kirch: HP Steakhouse closed with it now being "Breakfast at Tina's" Restaurant.

10-29-2018: Mo filed injunction against harassment petition against neighbor, *Mo v. Duncan*, Maricopa County Justice Court, CC2018221840.

11-6-2018: Hearing held on *Mo v. Duncan*, injunction against harassment, Maricopa County Justice Court, CC2018221840. Court denied injunction for lack of evidence.

11-7-2018: NOV for parking violations on east lot sent by DSD to Mo.

11-13-2018: Criminal case filing on NOV, *State of Arizona v. Mehmood Mohiuddin*, Apache Junction Municipal Court, CM2018000699.

11-21-2018: Additional criminal case filing on NOV, *State of Arizona v. Mehmood Mohiuddin*, Apache Junction Municipal Court, CM2018000730.

11-21-2018: A fifteen count criminal nuisance case was filed by the Pinal County Attorney in *State of Arizona v. Mehmood Mohiuddin*, Apache Junction Justice Court, CM2018000753.

12-5-2018: Mo filed appeal of NOVs with DSD for Board of Adjustment review.

12-5-2018: Criminal cases continued until 2-6-2019 due to stay caused by NOV appeal.

12-11-2018: P&Z Commission CUP-9-17 revocation hearing continued by a vote of 7:0 until March 12th, 2019 due to stay caused by NOV appeal.

1-4-2019: Pretrial in county criminal nuisance case continued to 2-7-2019.

1-29-2019: Settlement conference to be held in federal civil rights case.

2-7-2019: Pretrial conference in county criminal nuisance case.

2-11-2019: NOV Appeal to be held before Apache Junction Board of Adjustment and Appeals.