

EXHIBIT 23

TO COMPLAINT FOR SPECIAL ACTION

FRANTI III HOLDINGS, LLC, ET AL V. CITY OF TUCSON

**CITY OF
TUCSON**[Home](#) [Meetings](#) [Contact](#)[Agenda](#)[Summary](#)[Switch to Accessible View](#)

MAYOR AND COUNCIL – REGULAR MEETING
LEGAL ACTION REPORT
TUESDAY JUNE 9, 2026
MAYOR AND COUNCIL CHAMBERS
CITY HALL, 255 W. ALAMEDA, TUCSON, AZ

1. ROLL CALL: 6:04 p.m.

OFFICIAL MEMBERS PRESENT: Mayor Regina Romero, Vice Mayor Lane Santa Cruz, Council Members Paul Cunningham, Kevin Dahl, Nikki Lee, Selina Barajas, and Miranda Schubert.

OFFICIAL MEMBERS ABSENT/EXCUSED: None

STAFF MEMBERS: Timothy M. Thomure, City Manager; Roi Lusk, City Attorney; Marisa Stoller, City Clerk

Mayor Romero announced that Council Member Lee would be participating electronically through Microsoft Teams.

AGENDA ITEM / MAYOR AND COUNCIL ACTION

DEPARTMENT

2. INVOCATION, PLEDGE OF ALLEGIANCE, AND APPOINTMENTS TO BOARDS,
COMMITTEES AND COMMISSIONS

a. INVOCATION

b. PLEDGE OF ALLEGIANCE

c. PRESENTATIONS

1. Proclaiming June 3, 2026 to be "National
Gun Violence Awareness Day"

2. Proclaiming June 2026 to be "LGBTQIA+ Pride Month"

d. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS CITY CLERK

1. Mayor and Council Communication (City Wide) Communication: JUN09-26-166
2. Environmental Services Advisory Committee (ESAC): Reappointment of Trevor A. Ledbetter
3. Environmental Services Advisory Committee (ESAC): Appointment of Val L. Little
4. Self-Insured Risk Trust Fund (TRUST): Charles P. Trujillo

It was moved by Council Member Dahl, duly seconded, and CARRIED by a voice vote of 7 to 0, to approve the appointment of Val Little and reappointment of Trevor Ledbetter to the Environmental Services Advisory Committee (ESAC); and the appointment of Charles Trujillo to the Self-Insured Risk Trust Fund (TRUST).

Mayor Romero asked if there were any personal appointments to be made.

No personal appointments were made at this time.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS CITY CLERK

- a. Mayor and Council Communication (City Wide) Communication: JUN09-26-167 was accepted and made part of the record.

Current events reports were given by Mayor Romero, Vice Mayor Santa Cruz, and Council Members Schubert, Barajas, Dahl, and Cunningham.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS, CITY CLERK

- a. Mayor and Council Communication (City Wide) Communication: JUN09-26-168 was accepted and made part of the record.

Current event report was given by Timothy M.
Thomure, City Manager.

5. LIQUOR LICENSE APPLICATIONS,

CITY CLERK

- a. Mayor and Council Communication (City Wide)
Communication: JUN09-26-169 was accepted and made part of the record.

- b. Liquor License Application(s)

CITY CLERK

New License(s)

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

1. Noy's Tuk Tuk Thai, Ward 6
2. Jethro's Cafe and Tavern, Ward 2

Person and Location Transfer(s)

NOTE: State law provides that for a person and location transfer, Mayor and Council may consider both the applicant's capability, qualifications, reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

1. Apothecurious Taps, Bottle & Community, Ward 2
2. Bawker Bawker, Ward 6

- c. Special Event(s)

1. Friends of the Pima County Public Library, Ward 3
2. Tucson JCC, Ward 3
3. Tucson JCC, Ward 3
4. Tucson JCC, Ward 3

- d. Agent Change/Acquisition of Control/Restructure

1. Block A, Ward 6

It was moved by Council Member Dahl, duly seconded, and CARRIED by a voice vote of 7 to 0, to forward 5b1 through 5b4, 5c1 through 5c4 and 5d1, to the State Liquor Board with a recommendation of APPROVAL.

6. CALL TO THE AUDIENCE

CITY CLERK

(Note: This item was taken out of order and considered after Item 8.)

7. CONSENT AGENDA

CITY CLERK

Note: This item was taken out of order.

- a. APPROVAL OF MINUTES (CITY WIDE) CITY CLERK
Communication: JUN09-26-170

- b. Approval of FY2027 Classification and Compensation Plan (City Wide) HUMAN RESOURCES
Communication: JUN09-26-180

Ordinance No. 12259

- c. Third Amendment to the Intergovernmental Agreement (IGA): with Pima County and the City of Tucson for Occupancy and Operation of Low-Barrier Shelter at Knights Inn (Ward 6) HOUSING AND COMMUNITY DEVELOPMENT
Communication: JUN09-26-158

Resolution No. 24128

- d. Title VI Equity Analysis and Public Outreach Report for Major Service Changes to Sun Tran Routes 4, 8, 9, 102X, 104X, 108X, and New 124X and Sun On Demand Zone 3 (City Wide) TRANSPORTATION AND MOBILITY
Communication: JUN09-26-161, City Wide

Resolution No. 24132

- e. Intergovernmental Agreement (IGA) with Pima County Health Department with Tucson Parks and Recreation Department (TPRD) for Free Learn-To-Swim Lessons at City of Tucson Pools (City Wide) Communication: JUN09-26-181 PARKS AND RECREATION

Resolution No. 24139

- f. Arizona State Parks Outdoor Recreation Grant: El Pueblo Park (Ward 5) Communication: JUN09-26-171, Ward 5 PARKS AND RECREATION

Resolution No. 24133

- g. City of Tucson Opposition to TEP Request for 14% Rate Increase and Annual Rate Adjustment Mechanism (ARAM) (City Wide) PARKS AND RECREATION

and Outside City) Communication: JUN09-26-173

(This item was considered separately at the request of Council Member Schubert.)

It was moved by Council Member Schubert, duly seconded, and PASSED by a roll call vote of 7 to 0, that Consent Agenda Items a – f, with the exception of Item g, which was considered separately, be passed and adopted and the proper action taken.

7. CONSENT AGENDA ITEM G CITY MANAGER

- g. City of Tucson Opposition to TEP Request for 14% Rate Increase and Annual Rate Adjustment Mechanism (ARAM) (City Wide and Outside City) Communication: JUN09-26-173

Resolution No. 24135

(This item was considered separately at the request of Council Member Schubert.)

Remarks were made by Mayor Romero and Council Member Schubert.

It was moved by Council Member Schubert, duly seconded, and PASSED by a roll call vote of 7 to 0, to pass and adopt Resolution No. 24135.

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8. Public Hearing: Fiscal Year 2027 (FY27) Budget as Tentatively Adopted on May BSD 19, 2026 and Property Tax Levy (City Wide) Communication: JUN09-26-177, City Wide

(This item was taken out of order and considered after Item 12.)

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12. PUBLIC HEARING: APPEAL OF ZONING EXAMINER SPECIAL EXCEPTION LAND USE DECISION, TP-ENT-1025-00021 TEP Vine Substation – Vine Avenue, R-2 (Ward 6) Communication: JUN09-26-159 was accepted and made part of the record. PLANNING AND DEVELOPMENT SERVICES

(This item was taken out of order.)

Mayor Romero opened the Public Hearing.

Information was presented by the appellants, Daniel Dempsey representing Underground Arizona and John Scwharz representing the Tucson Neighborhood Undergrounding Coalition, and by the applicant, Steven Eddy, representing Tucson Energy and Power (TEP).

Comments were made by Rosemarie Bolza, Betsy Larson, Kathi McLaughlin, and Jonathan Salvatierra.

It was moved by Council Member Schubert, duly seconded, and CARRIED by a voice vote of 7 to 0 to close the public hearing.

Discussion ensued, with questions and comments made by Mayor Romero, Vice Mayor Santa Cruz and Council Members Lee, Cunningham, Schubert, Dahl, and Barajas. City Manager Thomure, City Attorney Lusk, and Zoning Examiner Jim Mazzacco responded to questions.

It was moved by Council Member Schubert, duly seconded, to modify the Zoning Examiner's decision by approving the special exception land use permit subject to the Zoning Examiner's conditions and the conditions that any currently planned or future connecting transmission lines in the University Area Plan and in any residential neighborhoods be placed underground in accordance with the newly adopted directives of the University Area Plan and in accordance with Plan Tucson, and that the Council should be selective in its approach to addressing issues related to neighborhood plans.

Discussion ensued. For clarification, Council Member Schubert noted the undergrounding in her motion would apply to the Vine Substation project.

Council Member Barajas offered a substitute motion, duly seconded, to approve the City Manager's recommendation to uphold the Zoning Examiner's conditions, with a long-term process to explore a city-wide undergrounding policy.

Discussion ensued.

Mayor and Council , by a roll call vote of 4 to 3 (Council Members Cunningham, Dahl, and Schubert dissenting) voted to consider the substitute motion as the main motion.

The substitute motion previously offered by Council Member Barajas, duly seconded, PASSED by a roll call vote of 4 to 3 (Council Members Cunningham, Dahl, and Schubert dissenting) approved the City Manager's recommendation to uphold the Zoning Examiner's decision and approve the special exception subject to the Zoning Examiner's conditions, and with a long-term process to explore a city-wide undergrounding policy.

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8. Public Hearing: Fiscal Year 2027 (FY27) Budget as Tentatively Adopted on May 19, 2026 and Property Tax Levy (City Wide) Communication: JUN09-26-177 was accepted and made part of the record. BSD

(This item was taken out of order.)

Mayor Romero opened the Public Hearing.

Comments were made by Richard Mayer, Artemis June, and Suzanne Schafer.

It was moved by Council Member Dahl, duly seconded, and CARRIED by a voice vote of 7 to 0 to close the public hearing.

RECESS: The Regular Meeting was recessed at 9:26 p.m. to provide time for a Special Meeting on the adoption of the fiscal year 2027 budget.

RECONVENE: The Regular Meeting was reconvened at 9:41 p.m.

Official Members Present: Mayor Romero, Vice Mayor Santa Cruz, Council Members Cunningham, Dahl, Barajas, and Schubert

Official Members Absent: Council Member Lee was no longer present.

Staff Members Present: All present

6. CALL TO THE AUDIENCE

(Note: This item was taken out of order.)

Call to audience was held. Comments were made by Leslie Hawthorne Klingler and Isabelle Mariscal.

9. Public Hearing: Hearing and Passing on any Written Objections to the Fiscal Year 2027 Assessments on the Property within the Downtown Tucson Enhanced Municipal Services Improvement District (the "BID") and Authorizing and Approving the Assessments (Wards 1 and 6). Communication: JUN09-26-172 was accepted and made part of the record. ECONOMIC INITIATIVES

Resolution No. 24134

Mayor Romero opened the public hearing.

Comments were made by Elizabeth Johnson, Mordechai Thomas, and Brock Lynch.

It was moved by Council Member Schubert, duly seconded, and CARRIED by a voice vote of 6 to 0 (Council Member Lee absent/excused) to close the public hearing.

It was moved by Council Member Schubert, duly seconded, and PASSED by a roll call vote of 6 to 0 (Council Member Lee absent/excused) to pass and adopt Resolution No. 24134.

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10. Public Hearing: Bingo License Application - American Legion Auxiliary Unit 7, 330 W. Franklin Street (Ward 1) Communication: JUN09-26-176 was accepted and made part of the record. CITY CLERK
- Resolution No. 24136
- Mayor Romero opened the public hearing.
- No comments were made.
- It was moved by Council Member Cunningham, duly seconded, and CARRIED by a voice vote of 6 to 0 (Council Member Lee absent/excused) to close the public hearing.
- It was moved by Council Member Santa Cruz, duly seconded, and PASSED by a roll call vote of 6 to 0 (Council Member Lee absent/excused) to pass and adopt Resolution No. 24136.
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11. Public Hearing: Bingo License Application - Vagabundo Inc. dba Eddies Cocktails, 8150 E. 22nd Street (Ward 4) Communication: JUN09-26-178 was accepted and made part of the record. CITY CLERK
- Resolution No. 24137
- Mayor Romero opened the public hearing.
- No comments were made.
- It was moved by Council Member Dahl, duly seconded, and CARRIED by a voice vote of 6 to 0 (Council Member Lee absent/excused) to close the public hearing.
- It was moved by Council Member Cunningham, duly seconded and PASSED by a roll call vote of 6 to 0 (Council Member Lee absent/excused) to pass and adopt Resolution No. 24137.
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12. PUBLIC HEARING: APPEAL OF ZONING EXAMINER SPECIAL EXCEPTION LAND USE DECISION, TP-ENT-1025-00021 TEP Vine Substation – Vine Avenue, R-2 (Ward 6) Communication: JUN09-26-159 PLANNING AND DEVELOPMENT SERVICES
- (This item was taken out of order and considered after Item 8.)
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13. Public Hearing: August 2026 Major Service Changes to Sun Tran Routes 4, 8, 9, 102X, 104X, 108X and New 124X and Sun Tran On-Demand Zone 3 (City Wide) Communication: JUN09-26-160 TRANSPORTATION AND MOBILITY

Resolution No. 24130

Mayor Romero opened the public hearing.

No comments were made.

It was moved by Council Member Barajas, duly seconded, and CARRIED by a voice vote of 6 to 0 (Council Member Lee absent/excused) to close the public hearing.

It was moved by Council Member Schubert, duly seconded and PASSED by a roll call vote of 6 to 0 (Council Member Lee absent/excused) to pass and adopt Resolution No. 24130.

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14. Public Hearing: Amendment to 12th Avenue – Valencia Road Area Plan (TP-AMD-1025-00001), Amendment to Conceptual Land Use Map (Section 3 of 3) to Allow Adult Day Care and Office Land Uses (Ward 1). Communication: JUN09-26-162 was accepted and made part of the record.

PLANNING AND
DEVELOPMENT SERVICES

Resolution No. 24131

Mayor Romero opened the public hearing.

No comments were made.

It was moved by Council Member Barajas, duly seconded, and CARRIED by a voice vote of 6 to 0 (Council Member Lee absent/excused) to close the public hearing.

It was moved by Council Member Santa Cruz, duly seconded and PASSED by a roll call vote of 6 to 0 (Council Member Lee absent/excused) to pass and adopt Resolution No. 24131.

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15. Public Hearing: REZONING – MAJOR CHANGE TO PRELIMINARY DEVELOPMENT PLAN AND CHANGE OF CONDITIONS, ORDINANCE ADOPTION, TP-MOD-0226-000016 – Campbell & Drexel Multifamily, 2000 E Drexel Rd, C-2 (Ward 5) Communication: JUN09-26-164 was accepted and made part of the record.

PLANNING AND
DEVELOPMENT SERVICES

Ordinance No. 12257

Mayor Romero opened the public hearing.

No comments were made.

It was moved by Council Member Santa Cruz, duly seconded, and CARRIED by a voice vote of 6 to 0 (Council Member Lee absent/excused) to close the public hearing.

It was moved by Council Member Barajas, duly seconded and PASSED by a roll call vote of 6 to 0 (Council Member Lee absent/excused) to pass and adopt Ordinance No. 12257.

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16. Public Hearing: Revisions and Introductions of Fees and Updated Discount Program for Tucson Parks and Recreation along with amendment to Chapter 21 (City Wide and Outside City) Communication: JUN09-26-175 was accepted and made part of the record. PARKS AND RECREATION

Ordinance No. 12258

Mayor Romero opened the public hearing.

Comments were made by Sara Smith.

Information was provided by Parks and Recreation Department Director Lara Hamwey.

It was moved by Council Member Dahl, duly seconded, and CARRIED by a voice vote of 6 to 0 (Council Member Lee absent/excused) to close the public hearing.

It was moved by Council Member Cunningham, duly seconded and PASSED by a roll call vote of 6 to 0 (Council Member Lee absent/excused) to pass and adopt Ordinance No. 12258.

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17. SPECIAL EXCEPTION – ORDINANCE ADOPTION TP-ENT-0126-00001 Ponderosa Expansion–E Blacklidge Dr C-2, Marijuana Dispensary (Ward 3) Communication: JUN09-26-165 was accepted and made part of the record. PLANNING AND DEVELOPMENT SERVICES

Ordinance No. 12256

Lindsay Shube, the representative of the applicant, was present and agreed to the proposed requirements and conditions of approval.

It was moved by Council Member Dahl, duly seconded and PASSED by a roll call vote of 6 to 0 (Council Member Lee absent/excused) to pass and adopt Ordinance No. 12256.

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18. REZONING – CITY MANAGER’S REPORT, TP-ENT-1025-00018 402 & 430 W Medina Rd, R-1 to O-2 (Ward 1) Communication: JUN09-26-163 was accepted and made part of the record. PLANNING AND DEVELOPMENT SERVICES

Raul Ibarra, the owner of 402 West Medina Road and Maria Ibarra, the owner of 430 West Medina Road were present and agreed to the proposed requirements and conditions of approval.

It was moved by Council Member Barajas, duly seconded and PASSED by a roll call vote of 6 to 0 (Council Member Lee absent/excused) to approve the request for authorization to rezone as recommended by the Zoning Examiner and the City Manager’s Office subject to the recommended conditions.

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19. ADJOURNMENT – 10:37 p.m.

The next regular scheduled meeting of the Mayor and Council is on June 23, 2026 at or after 5:30 p.m.



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