



**REGULAR CITY COUNCIL MEETING  
CITY COUNCIL CHAMBERS – CITY HALL  
#1 CITY HALL PLACE  
MONDAY, FEBRUARY 23, 2026 - 5:30 PM**

**MINUTES**

**A. CALL TO ORDER**

President Aliff called the meeting to order at 5:30 p.m.

**B. INVOCATION**

**C. PLEDGE OF ALLEGIANCE**

**D. ROLL CALL**

**Council Members Present:** Mark Aliff, Brett Boston, Roger Gomez, Joe Latino, Ted Hernandez, Dianne Danti, Selena Ruiz-Gomez.

**Council Members Present via Zoom:** None.

**Council Members Absent:** None.

**Administrative Staff Members Present:** Mayor Heather Graham, Chief of Staff Brian McCain, City Attorney Carla Sikes, Deputy City Clerk Vincent Petkosek, Municipal Records Coordinator Clyde Bishop.

**E. SPECIAL RECOGNITIONS**

**E1 PROCLAMATION PRESENTATION: "AMERICAN RED CROSS MONTH — MARCH 2026" — PHIL MARTINEZ, EXECUTIVE DIRECTOR**

**F. PUBLIC FORUM**

- Darly Vigil, Ray Aguilera Park Fence
- Kendall Curtis, Project Falcon
- Chris Gladney, Reclassification Ordinance N3
- Marcel Meastas, Reclassification Ordinance N3
- Elvis Martinez, Transparency
- Eleonora Bartoli, Bath House

**G. COUNCIL MEMBER AND MAYOR COMMENTARY**

Council members expressed comments regarding community-related issues and events/functions they attended.

## **H. REVIEW OF AGENDA**

The agenda was reviewed page by page.

## **I. APPROVAL OF AGENDA**

Councilor Boston, seconded by Councilor Latino, moved to amend the agenda by moving M2 to the beginning of the regular meeting and approving the agenda as amended.

Roll Call - **Ayes:** President Aliff, Councilor Boston, Councilor Gomez, Councilor Latino, Councilor Hernandez, Councilor Danti, Councilor Ruiz-Gomez. **Nays:** None. Motion Passed 7-0.

## **J. READING AND APPROVAL OF MINUTES**

### **J1 CITY COUNCIL MINUTES 02/09/26**

Councilor Boston, seconded by Councilor Latino, moved to dispense with the reading and approve the Minutes of the Regular Meeting dated **February 09, 2026**, as distributed.

Roll Call - **Ayes:** President Aliff, Councilor Boston, Councilor Gomez, Councilor Latino, Councilor Hernandez, Councilor Danti, Councilor Ruiz-Gomez. **Nays:** None. Motion Passed 7-0.

## **K. CONSENT AGENDA**

Deputy City Clerk Vincent Petkosek read the Consent Agenda into the record.

## **L. COMMUNICATIONS**

## **M. RESOLUTIONS**

### **M1 A RESOLUTION RATIFYING THE AWARD OF AN EMERGENCY CONSTRUCTION CONTRACT IN THE AMOUNT OF \$31,941.00 TO RUSS GRADING & EXCAVATING LLC, A COLORADO LIMITED LIABILITY COMPANY, FOR PROJECT NO. 25-012 (SWAN03) — FOR AN EMERGENCY STORM SEWER POINT REPAIR AT CITY PARK SOUTH OF THE BOCCE BALL COURTS AND APPROVING A CHANGE ORDER IN THE AMOUNT OF \$12,291.00 FOR ADDITIONAL WORK AND MATERIALS, AND AUTHORIZING AND APPROVING THE PURCHASING AGENT'S EXECUTION OF THE SAME**

This Resolution was assigned as 16258.

### **M3 A RESOLUTION APPROVING COMPENSATION WITH RESPECT TO A LEGAL SERVICES AGREEMENT WITH FAIRFIELD & WOODS, P.C.**

This Resolution was assigned as 16259.

## **N. ORDINANCES – FIRST PRESENTATION**

### **N1 AN ORDINANCE AMENDING SECTION 11-7-1 AND SECTION 11-7-5 OF THE PUEBLO MUNICIPAL CODE TO AUTHORIZE THE PUBLICATION NOTICE ON THE PUBLIC WEBSITE OF THE CITY OF PUEBLO**

### **N2 AN ORDINANCE APPROVING A QUIT CLAIM DEED BETWEEN THE CITY OF**

**PUEBLO, A COLORADO MUNICIPAL CORPORATION AND THE STATE OF COLORADO, DEPARTMENT OF TRANSPORTATION, TRANSFERRING CITY-OWNED PROPERTY AND AUTHORIZING THE MAYOR TO EXECUTE SAME**

- N3 AN ORDINANCE AMENDING THE 2026 FISCAL YEAR STAFFING ORDINANCE BY CONVERTING THREE (3) VACANT FULL-TIME EMERGENCY MEDICAL OFFICER (EMO) POSITIONS TO THREE (3) FIRE ENGINEER POSITIONS WITHIN THE AUTHORIZED STAFFING OF THE FIRE DEPARTMENT**
- N4 AN ORDINANCE APPROVING A QUIT CLAIM DEED BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION AND GOODNIGHT BARN HISTORIC PRESERVATION, INC. TRANSFERRING CITY-OWNED PROPERTY AND AUTHORIZING THE MAYOR TO EXECUTE SAME**
- N5 AN ORDINANCE APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION AND PUEBLO COMMUNITY HEALTH CENTER INC., A COLORADO NON-PROFIT CORPORATION FOR THE PROVISION OF PRIMARY HEALTH CARE SERVICES AT THE PUEBLO HOMELESS SHELTER AND AUTHORIZING THE MAYOR TO EXECUTE SAID CONTRACT**
- N6 AN ORDINANCE AMENDING AND EXTENDING THE TERM OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF PUEBLO AND THE PUEBLO ASSOCIATION OF GOVERNMENT EMPLOYEES FOR A ONE-YEAR PERIOD COMMENCING JANUARY 1, 2027 THROUGH DECEMBER 31, 2027**

**O. APPROVAL OF CONSENT AGENDA**

Councilor Boston, seconded by Councilor Latino, moved to approve all Resolutions Set Forth in the Consent Agenda, Pass the Ordinances of the Consent Agenda, Setting the Public Hearings for March 09, 2026, and Order the Ordinances to be published BY TITLE.

Roll Call – **Ayes:** President Aliff, Councilor Boston, Councilor Gomez, Councilor Latino, Councilor Hernandez, Councilor Danti, Councilor Ruiz-Gomez. **Nays:** None. Motion Passed 7-0.

**P. REGULAR AGENDA**

**Q. RESOLUTIONS**

**M2 A RESOLUTION APPROVING THE PUEBLO CITY PARK AND ARKANSAS RIVER CORRIDOR MASTER PLAN**

A staff report and detailed review of the Resolution was given by Stene Meier, Director of Parks and Recreation.

Councilor Boston, seconded by Councilor Danti, moved to approve the Resolution.

Roll Call - **Ayes:** President Aliff, Councilor Boston, Councilor Gomez, Councilor Latino, Councilor Hernandez, Councilor Danti, Councilor Ruiz-Gomez. **Nays:** None. Motion Passed 7-0.

This Resolution was assigned as 16260.

**Q1 A RESOLUTION CONFIRMING THE APPOINTMENT OF BELLA TRUJILLO TO THE POSITION OF DIRECTOR OF HUMAN RESOURCES**

A staff report and detailed review of the Resolution was given by Mayor Heather Graham.

Councilor Boston, seconded by Councilor Latino, moved to approve the Resolution.

Roll Call - **Ayes:** President Aliff, Councilor Boston, Councilor Gomez, Councilor Latino, Councilor Hernandez, Councilor Danti, Councilor Ruiz-Gomez. **Nays:** None. Motion Passed 7-0.

This Resolution was assigned as 16261.

**Q2 A RESOLUTION AUTHORIZING PAYMENT FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2026 GENERAL FUND BUDGET TO PUEBLO CHILD ADVOCACY CENTER IN THE AMOUNT OF \$2,000 TO SPONSOR THE 2026 BLUE TIE GALA 40TH ANNIVERSARY CELEBRATION FROM 5:00 PM AT THE PUEBLO CONVENTION CENTER, ON APRIL 10TH, 2026**

A staff report and detailed review of the Resolution was given by Katie Hesler, City Council Administrative Assistant.

Elvis Martinez appeared in person and spoke in favor of this Resolution.

Councilor Boston, seconded by Councilor Latino, moved to approve the Resolution.

Roll Call - **Ayes:** President Aliff, Councilor Boston, Councilor Gomez, Councilor Latino, Councilor Hernandez, Councilor Danti, Councilor Ruiz-Gomez. **Nays:** None. Motion Passed 7-0.

This Resolution was assigned as 16262.

**R. QUASI-JUDICIAL PROCEEDINGS**

**R1 AN ORDINANCE APPROVING THE ST. CHARLES INDUSTRIAL PARK, FILING NO. 4 SUBDIVISION**

A staff report and detailed review of the Ordinance was given by Beritt Odom, Director of Planning & Community Development. Ms. Odom requested that the Planning & Zoning documents for this item, Case # S-25-07 dated 1-14-26, be made part of the record for this hearing. So ordered by President Aliff.

**PUBLIC HEARING:**

Seeing no one wished to speak, President Aliff declared the hearing closed.

Councilor Boston, seconded by Councilor Latino, moved to approve the Ordinance on final

presentation.

Roll Call - **Ayes:** President Aliff, Councilor Boston, Councilor Gomez, Councilor Latino, Councilor Hernandez, Councilor Danti, Councilor Ruiz-Gomez. **Nays:** None. Motion Passed 7-0.

This Ordinance was assigned as 11119.

## **S. ORDINANCES – FINAL PRESENTATION**

### **S1 AN ORDINANCE APPROVING AN APPROPRIATION AGREEMENT IN THE AMOUNT OF SIX HUNDRED FIFTY-FOUR THOUSAND THREE HUNDRED SEVENTY (\$654,370) DOLLARS TO PROVIDE HEALTH SERVICES TO THE PUEBLO COMMUNITY AS OUTLINED IN AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF PUEBLO AND PUEBLO COUNTY, AND AUTHORIZING THE MAYOR TO EXECUTE SAME**

A staff report and detailed review of the Ordinance was given by Carla Sikes, City Attorney.

#### **PUBLIC HEARING:**

Seeing no one wished to speak, President Aliff declared the Hearing closed.

Councilor Boston, seconded by Councilor Ruiz-Gomez, moved to approve the Ordinance on final presentation.

Roll Call - **Ayes:** President Aliff, Councilor Boston, Councilor Gomez, Councilor Latino, Councilor Hernandez, Councilor Danti, Councilor Ruiz-Gomez. **Nays:** None. Motion Passed 7-0.

This Ordinance was assigned as 11120.

### **S2 AN ORDINANCE APPROVING AND ACCEPTING A GRANT AGREEMENT FOR THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, FROM THE PUEBLO URBAN RENEWAL AUTHORITY, AUTHORIZING THE MAYOR TO EXECUTE THE SAME, ESTABLISHING PROJECT NO. CI2610, BUDGETING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$91,000.00 TO PROJECT NO. CI2610 FOR THE BENEDICT PARK LIGHTING PROJECT**

A staff report and detailed review of the Ordinance was given by Steven Meier, Director of Parks and Recreation.

#### **PUBLIC HEARING:**

Seeing no one wished to speak, President Aliff declared the hearing closed.

Councilor Latino, seconded by Councilor Danti, moved to approve the Ordinance on final presentation.

Roll Call - **Ayes:** President Aliff, Councilor Boston, Councilor Gomez, Councilor Latino, Councilor Hernandez, Councilor Danti, Councilor Ruiz-Gomez. **Nays:** None. Motion Passed 7-0.

This Ordinance was assigned as 11121.

**S3 AN ORDINANCE APPROVING A JOINT FUNDING AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, AND THE U.S. GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF THE INTERIOR, TO CONTINUE THE COLLECTION OF HYDROLOGIC DATA ALONG FOUNTAIN CREEK AND THE ARKANSAS RIVER AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT.**

A staff report and detailed review of the Ordinance was given by Andra Ahrens, Director of Wastewater.

**PUBLIC HEARING:**

Seeing no one wished to speak, President Aliff declared the hearing closed.

Councilor Latino, seconded by Councilor Hernandez, moved to approve the Ordinance on final presentation.

Roll Call - **Ayes:** President Aliff, Councilor Boston, Councilor Gomez, Councilor Latino, Councilor Hernandez, Councilor Danti, Councilor Ruiz-Gomez. **Nays:** None. Motion Passed 7-0.

This Ordinance was assigned as 11122.

**S4 AN ORDINANCE APPROVING A MODIFICATION TO THE SUPPLEMENTAL ENVIRONMENTAL PROJECT (SEP) AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, AND THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR THE PURPOSE OF DEVELOPING A HOUSEHOLD HAZARDOUS WASTE PROGRAM, AND AUTHORIZING THE MAYOR TO EXECUTE THE MODIFICATION**

A staff report and detailed review of the Ordinance was given by Andrew Hayes, Director of Public Works.

**PUBLIC HEARING:**

Eleonora Bartoli appeared in person and spoke in favor of this Ordinance.

Seeing no one else wishing to speak, President Aliff declared the hearing closed.

Councilor Latino, seconded by Councilor Danti, moved to approve the Ordinance on final presentation.

Roll Call - **Ayes:** President Aliff, Councilor Boston, Councilor Gomez, Councilor Latino, Councilor Hernandez, Councilor Danti, Councilor Ruiz-Gomez. **Nays:** None. Motion Passed 7-0.

This Ordinance was assigned as 11123.

**S5 AN ORDINANCE APPROVING AN ANIMAL SERVICES CONTRACT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION AND PUEBLO COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF COLORADO AND THE WITH THE HUMANE SOCIETY OF THE PIKES PEAK REGION, A COLORADO NON-PROFIT CORPORATION RELATING TO THE OPERATION OF THE PUEBLO ANIMAL SHELTER AND THE ENFORCEMENT**

## **OF LOCAL ANIMAL CONTROL ORDINANCES AND AUTHORIZING THE MAYOR TO EXECUTE SAID CONTRACT**

A staff report and detailed review of the Ordinance was given by Carla Sikes, City Attorney.

### **PUBLIC HEARING:**

Eleonora Bartoli appeared in person and spoke in favor of this Ordinance.

Seeing no one else wishing to speak, President Aliff declared the hearing closed.

Councilor Latino, seconded by Councilor Ruiz-Gomez, moved to approve the Ordinance on final presentation.

Roll Call - **Ayes:** President Aliff, Councilor Boston, Councilor Gomez, Councilor Latino, Councilor Hernandez, Councilor Danti, Councilor Ruiz-Gomez. **Nays:** None. Motion Passed 7-0.

This Ordinance was assigned as 11124.

## **S6 AN ORDINANCE AMENDING CHAPTER 4 OF TITLE XIV OF THE PUEBLO MUNICIPAL CODE RELATING TO AND ESTABLISHING CRITERIA, STANDARDS, RULES AND REGULATIONS FOR THE APPROPRIATION AND EXPENDITURE OF FUNDS IN THE 1992-2026 SALES AND USE TAX CAPITAL IMPROVEMENT PROJECTS FUND**

A staff report and detailed review of the Ordinance was given by Carla Sikes, City Attorney.

### **PUBLIC HEARING:**

Less Guen appeared in person and spoke in favor of this Ordinance.  
Warren Dean appeared in person and spoke in favor of this Ordinance.  
Gina Ryder appeared in person and spoke in favor of this Ordinance.  
Johnathon Overton appeared in person and spoke in favor of this Ordinance.  
Dave DeCenzo appeared in person and spoke against this Ordinance.  
Elvis Martinez appeared in person and spoke against this Ordinance.  
Barbra Vidmar appeared in person and spoke against this Ordinance.  
Marv Stein appeared in person and spoke against this Ordinance.  
Deniis Flores appeared in person and spoke against this Ordinance.  
Bob Leach appeared in person and spoke against this Ordinance.  
Brett Verna appeared in person and spoke against this Ordinance.

Seeing no one else wishing to speak, President Aliff declared the hearing closed.

Councilor Ruiz-Gomez, seconded by Councilor Danti, moved to amend by postponing this Ordinance for 30 days.

Roll Call - **Ayes:** Councilor Danti, Councilor Ruiz-Gomez. **Nays:** President Aliff, Councilor Boston, Councilor Gomez, Councilor Latino, Councilor Hernandez. Motion Failed 2-5.

Councilor Boston, seconded by Councilor Danti, moved to approve the Ordinance on final presentation.

Roll Call - **Ayes:** President Aliff, Councilor Boston, Councilor Latino, Councilor Hernandez,

Councilor Danti. **Nays:** Councilor Gomez, Councilor Ruiz-Gomez. Motion Passed 5-2.

This Ordinance was assigned as 11125.

**T. ADJOURN**

President Aliff adjourned the meeting at 8:17 p.m.

Respectfully submitted,

Handwritten signature of Vincent Petkosek in black ink, consisting of stylized initials 'V.P.' followed by a horizontal line.

Vincent Petkosek  
Deputy City Clerk

**PUEBLO URBAN RENEWAL AUTHORITY BENEDICT PARK LIGHTING**  
**GRANT AGREEMENT**  
**CITY OF PUEBLO**

**SECTION I. PARTIES.** This Pueblo Urban Renewal Authority Benedict Park Lighting Grant Agreement (this “Agreement”) is by and between the PUEBLO URBAN RENEWAL AUTHORITY, a body corporate and politic (the “Authority”), and the CITY OF PUEBLO, a Colorado home rule municipal corporation (the “City”). The parties to this Agreement may be referred to individually in the singular and collectively in the plural, as “Party” or “Parties”.

**SECTION 2. PURPOSE.** Each of the undersigned representatives of the Parties hereto hereby represent that they have full authority to bind the Authority and the City, respectively, to the terms of this Agreement.

2.1. The Authority is carrying out the Colorado Smelter Urban Renewal Plan (the “Urban Renewal Plan”), which was approved by the City Council of the City on September 9, 2024.

2.2. The City owns the real property commonly known as Benedict Park located in Pueblo, Colorado (“Benedict Park”), which is located within the boundaries of the Urban Renewal Plan. In furtherance of the Colorado Smelter Revitalization Plan adopted by the City in October 26, 2020, the City is undertaking a project to renovate Benedict Park (the “Benedict Park Project”), with the assistance of a grant from Colorado Health Foundation.

2.3. In furtherance of the Benedict Park Project, the Authority desires to assist the City with the installation of new system lighting improvements and upgrades for Benedict Park (the “Lighting Improvements”).

2.4. The Authority, finding the Benedict Park Project to be within the best interest of the Authority and the health, safety and welfare of the citizens of the City and necessary to carry out the purposes of the Urban Renewal Plan, intends to provide financial assistance to the City in order to facilitate the

2.5. Lighting Improvements with the expectation that the Authority's involvement will alleviate and prevent blight, consistent with the intent and purpose of the Colorado Urban Renewal Law, C.R.S. 31-25-101, et seq., and the Urban Renewal Plan.

**SECTION 3. GRANT FUNDS.** The grant amount total is \$91,000.00 (the “Grant”).

3.1. Disbursement. The Authority shall disburse the Grant in one payment directly to the City within 60 days after the execution of this Agreement.

3.2. Use of Grant. The City shall use the Grant solely for the Lighting Improvements.

3.3. Refund of Unused Portions of Grant. Upon the completion of the Lighting Improvements, the City shall return any unused portions of the Grant to the Authority. In the event

that the Lighting Improvements have not been completed as of December 31, 2027, any unused portions of the Grant as of that date shall be returned to the Authority.

3.4. Reports. Upon written request by the Authority, the City shall provide the Authority with a report on the City's use of the Grant and progress towards completion of the Lighting Improvements in sufficient detail to demonstrate compliance with this Agreement (each, a "Report"). Additionally, the City shall provide the Authority with a Report at the time of completion of the Lighting Improvements.

3.5. City Funds. The City shall be responsible for all aspects of the Benedict Park Project that are outside of the scope of this Agreement, including any costs associated with completing the Lighting Improvements that exceed the amount of the Grant.

#### SECTION 4. OBLIGATIONS OF CITY.

4.1. Quality of Construction. All Lighting Improvements shall be constructed in a good and workmanlike manner and in accordance with other planned improvements to Benedict Park in accordance with plans approved by the Pueblo Regional Building Department, and any other authority having review and approval authority over Benedict Park Project, and in accordance with all applicable laws, codes, ordinances, and design standards.

4.2. Park Improvements. The Parties acknowledge and agree that the Authority is making this Grant available to the City based on the Authority's belief that maintaining Benedict Park is critical to halting the spread of blight in the Urban Renewal Plan area. The City agrees that it will use its best efforts to complete the Benedict Park Project.

SECTION 5. REMEDIES. If any Party defaults hereunder, any non-defaulting Party may seek enforcement of the Agreement by any available remedy at law or in equity; provided, however, damages payable by the Authority shall be limited to those amounts that would have been payable under this Agreement. In no event shall either Party be liable for special, consequential, or punitive damages. In addition, any non-defaulting Party shall recover, and the defaulting Party shall pay, its reasonable costs and attorney's fees.

SECTION 6. NOTICES. Unless otherwise notified in writing by any Party, all notices required or permitted by this Agreement shall be in writing and shall be sufficiently given if delivered in person, by prepaid overnight express mail or express courier to any Party, or by certified mail, with postage prepaid and return receipt requested, and addressed to:

In the case of the Authority: Pueblo Urban Renewal Authority  
Attn: Cherish Deeg, Interim Executive Director  
115 E. Riverwalk, Suite 410  
Pueblo, Colorado 81003  
E-mail: cdeeg@puebloura.org

With a copy to: Brownstein Hyatt Farber Schreck, LLP  
Attn: Angela Hygh

675 15th Street, Suite 2900  
Denver, Colorado 80202  
E-mail: ahygh@bhfs.com

In the case of the City:

City of Pueblo  
Department of Parks and Recreation  
800 Goodnight Avenue  
Pueblo, CO 81005

With a copy to:

City of Pueblo  
Law Department  
1 City Hall Place  
Pueblo, CO 81003

SECTION 7. ENTIRE AGREEMENT: AUTHORITY NOT A PARTNER. The respective obligations of the Parties to this Agreement constitute the only obligations of the Parties under this Agreement. Notwithstanding any language in this Agreement or any other agreement, representation or warranty to the contrary, the Authority shall not be deemed a partner or joint venture of the City, and the Authority shall not be responsible for any debt or liability of the City.

SECTION 8. ASSIGNMENT. This Agreement or any rights or interest in this Agreement may not be assigned or transferred by either Party without the prior written approval of the other Party.

SECTION 9. BINDING EFFECT. This Agreement shall be binding upon and inure to the benefit of the Parties, their personal representatives, successors and assigns, but nothing herein shall permit the assignment or transfer of this Agreement without the prior written consent of the other Party.

SECTION 10. JURISDICTION AND VENUE. In the event of litigation hereunder, the Pueblo County District Court sitting without a jury shall have exclusive jurisdiction and venue over the case.

SECTION 11. AMENDMENTS. This Agreement is the entire Agreement of the Parties as to the subject matter herein and supersedes and replaces all prior agreements with respect to the subject matter herein and may be amended only in writing fully executed by the Parties.

SECTION 12. GOVERNING LAW. This Agreement shall be construed and interpreted under the laws of the State of Colorado.

SECTION 13. ENFORCED DELAY. A Party shall not be considered in breach of, or in default in, its obligations with respect to this Agreement in the event of delay in the performance of such obligations due to causes beyond its control without its fault or negligence, including but not limited to, acts of God, acts of public enemy, acts of federal or state government, acts of the other Party, acts of third parties, acts of courts, fires, floods, epidemics, quarantine restrictions, strikes,

freight embargoes, and unusually severe weather or delays of subcontractors or materialmen due to such causes, it being the purpose and intent of this provision that if such delay occurs, the time or times for performance by the Party affected by such delay shall be extended for the period of the delay. The Party seeking the benefit of this provision shall give written notice of any such delay to the other Party within 30 days after such Party knows of such delay.

SECTION 14. NO THIRD-PARTY BENEFICIARIES. The Authority shall not be obligated or liable under the terms of this Agreement to any other person or entity not a party hereto.

SECTION 15. NO WAIVER OF IMMUNITY. Nothing contained in this Agreement constitutes a waiver of either Party's sovereign immunity or governmental immunity under any applicable state law.

SECTION 16. CONSTRUCTION OF AGREEMENT. This Agreement has been arrived at by negotiation and shall not be construed against either Party hereto, or against the Party who prepared the last draft.

*[Signatures on Following Page]*

**IN WITNESS WHEREOF**, the Parties have executed this PUEBLO URBAN RENEWAL AUTHORITY BENEDICT PARK LIGHTING GRANT AGREEMENT as of the 14th day of October, 2025.

**AUTHORITY:**

ATTEST:

PUEBLO URBAN RENEWAL AUTHORITY

By: \_\_\_\_\_  
Secretary/Interim Executive Director

By: \_\_\_\_\_  
Treasurer

*[City Signature Page Follows]*

**CITY:**

**ATTEST:**

**CITY OF PUEBLO, COLORADO**

By: \_\_\_\_\_  
Marisa Stoller, City Clerk

By: \_\_\_\_\_  
Heather Graham, Mayor