



## **Cibolo Public Facility Corporation**

---

Tuesday, March 10, 2026, 6:15 PM

Est. Duration: 5 min

Council Chambers

200 S. Main St.

Cibolo, Texas 78108

### **1. Call to Order**

---

### **2. Roll Call and Excused Absences**

---

### **3. Citizens to be Heard**

---

This is the only time during the Council Meeting that a citizen can address the City Council. It is the opportunity for visitors and guests to address the City Council on any issue to include agenda items. All visitors wishing to speak must fill out the Sign-In Roster prior to the start of the meeting. The City Council may not debate any non-agenda issue, nor may any action be taken on any non-agenda issue at this time; however, the City Council may present any factual response to items brought up by citizens. (Attorney General Opinion – JC-0169) (Limit of three minutes each.) All remarks shall be addressed to the Council as a body. Remarks may also be addressed to any individual member of the Council so long as the remarks are (i) about matters of local public concern and (ii) not disruptive to the meeting or threatening to the member or any attendee including City staff. Any person violating this policy may be requested to leave the meeting, but no person may be requested to leave or forced to leave the meeting because of the viewpoint expressed.

### **4. Resolution**

---

- 4.A. RESOLUTION APPROVING AN ASSIGNMENT AGREEMENT FOR THE ASSIGNMENT OF CONSTRUCTION DEFECT CLAIMS RELATED TO THE TROPHY OAK APARTMENTS AS SET FORTH THEREIN; AUTHORIZING THE EXECUTION OF ANY DOCUMENTS IN CONNECTION THEREWITH; AND OTHER MATTERS IN CONNECTION THEREWITH

### **5. Adjournment**

---

This Notice of Meeting is posted pursuant to the Texas Government Code 551.041 - .043 on the front bulletin board of the Cibolo Municipal Building, 200 South Main Street, Cibolo, Texas which is a place readily accessible to the public at all times and that said notice was posted on

Valerie A. Chapman, TRMC

City Secretary

Pursuant to Section 551.071, 551.072, 551.073, 551.074, 551.076, 551.077, 551.084 and 551.087 of the Texas Government Code, the City of Cibolo reserves the right to consult in closed session with the City Attorney regarding any item listed on this agenda. This agenda has been approved by the city's legal counsel and subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551. This has been added to the agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144.

A possible quorum of Council, committees, commissions, boards and corporations may attend this meeting.

This facility is wheelchair accessible and accessible parking space is available. Request for accommodation or interpretive services must be made 48 hours prior to the meeting. Please contact the City Secretary at (210) 566-6111. All cell phones must be turned off before entering the Council Meeting.

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the \_\_\_\_ day of \_\_\_\_\_ 2026.

---

Name and Title

*Date Posted: March 4, 2026 10:28 pm*



Cibolo Public Facility Corporation Staff Report

---

**A. RESOLUTION APPROVING AN ASSIGNMENT AGREEMENT FOR THE ASSIGNMENT OF CONSTRUCTION DEFECT CLAIMS RELATED TO THE TROPHY OAK APARTMENTS AS SET FORTH THEREIN; AUTHORIZING THE EXECUTION OF ANY DOCUMENTS IN CONNECTION THEREWITH; AND OTHER MATTERS IN CONNECTION THEREWITH**

Meeting	Agenda Group
Tuesday, March 10, 2026, 6:15 PM	Resolution Item: 4A.
From	
Wayne Reed, City Manager	

**PRIOR CITY COUNCIL ACTION:**

N/A

**BACKGROUND:**

N/A

**STAFF RECOMMENDATION:**

N/A

**FINANCIAL IMPACT:**

N/A

**MOTION(S):**

N/A

**Attachments**

[Resolution - Litigation 2026-03-10](#)

## CERTIFICATE FOR RESOLUTION

The undersigned officer of the Cibolo Public Facility Corporation, a Texas nonprofit public facility corporation created pursuant to the laws of the State of Texas (“CPFC”) hereby certifies as follows:

1. In accordance with its bylaws, the Board of Directors of CPFC (the “Board”) held a meeting on March 10, 2026, (the “Meeting”) of the duly constituted officers and members of the Board, at which a duly constituted quorum was present. Whereupon among other business transacted at the Meeting, a written

**RESOLUTION APPROVING AN ASSIGNMENT AGREEMENT FOR THE  
ASSIGNMENT OF CONSTRUCTION DEFECT CLAIMS RELATED TO  
THE TROPHY OAK APARTMENTS AS SET FORTH THEREIN;  
AUTHORIZING THE EXECUTION OF ANY DOCUMENTS IN  
CONNECTION THEREWITH; AND OTHER MATTERS IN  
CONNECTION THEREWITH**

(the “Resolution”) was duly introduced for the consideration of the Board and discussed. It was then duly moved and seconded that the Resolution be adopted; and, after due discussion, said motion, carrying with it the adoption of the Resolution, prevailed and carried by a majority vote of the Board.

2. A true, full, and correct copy of the Resolution adopted at the Meeting is attached to and follows this Certificate; the Resolution has been duly recorded in the Board’s minutes of the Meeting; each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the Meeting; and the Meeting was held and conducted in accordance with the Bylaws of Cibolo Public Facility Corporation.

SIGNED March 10, 2026.

\_\_\_\_\_  
Secretary

**RESOLUTION APPROVING AN ASSIGNMENT AGREEMENT FOR THE ASSIGNMENT OF CONSTRUCTION DEFECT CLAIMS RELATED TO THE TROPHY OAK APARTMENTS AS SET FORTH THEREIN; AUTHORIZING THE EXECUTION OF ANY DOCUMENTS IN CONNECTION THEREWITH; AND OTHER MATTERS IN CONNECTION THEREWITH**

WHEREAS, Cibolo Public Facility Corporation (“CPFC”) is the fee simple owner of the land and improvements comprising the Trophy Oak Apartments located at located at FM 78 and Main Street, Cibolo, Texas (the “Project”);

WHEREAS, CPFC has leased the Project to Trophy Oak Property, LP (the “Tenant”) pursuant to a long-term Amended and Restated Lease Agreement dated as of August 31, 2022 (the “Lease”);

WHEREAS, the Tenant has discovered certain defects with respect to the construction of the pool located in the Project (the “Pool”) and desires to pursue claims related to such construction defects (the “Claims”);

WHEREAS, in order to properly pursue the Claims, the Tenant has requested CPFC assign any right, title and interest in and to the Claims to the Tenant pursuant to an Assignment Agreement (the “Assignment Agreement”) and as consideration therefor, Tenant has agreed to reconstruct the Pool at no cost to CPFC;

WHEREAS, this Board of Directors has reviewed the foregoing and determined that the action herein authorized is in furtherance of the public purposes of CPFC;

BE IT THEREFORE RESOLVED BY THE BOARD OF DIRECTORS OF THE CIBOLO PUBLIC FACILITY CORPORATION, THAT:

Section 1. The assignment of the Claims and the Assignment Agreement are hereby authorized and approved.

Section 2. The President, any Vice President, the Secretary, the Treasurer, any Assistant Secretary, or any of them, are hereby authorized to execute any and all documentation, including without limitation the Agreements, required to achieve the foregoing purposes, whether on behalf of BCHFC or the general partner of the Partnership.

Section 3. The President or Vice President and, if required by the form of the document, the Secretary of the CPFC are authorized and directed to modify, execute and deliver any of the documents, upon approval by the CPFC attorney, to be signed by or consented to by CPFC, and any and all certificates and other instruments necessary to carry out the intent thereof and hereof. The President or the Secretary are authorized to negotiate and approve such changes in, or additions to, the terms of any of the documents, upon approval by the CPFC attorney, including amendments, renewals, and extensions, as such officers shall deem necessary or appropriate upon the advice of counsel to CPFC, and approval of the terms of any of the documents by such officers and this Board shall be conclusively evidenced by the execution and delivery of such documents.

Section 4. The officers of this Board, or any of them, are authorized to take any and all action necessary to carry out and consummate the transactions described in or contemplated by the documents approved hereby or otherwise to give effect to the actions authorized hereby and the intent hereof.

Section 5. The officers of this Board hereby approve the selection of Bracewell LLP as counsel to CPFC for this transaction.

Section 6. If any section, paragraph, clause, or provisions of this Resolution shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Resolution.

Section 7. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Board.

Section 8. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 9. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 10. This Resolution shall be in force and effect from and after its passage.

**PASSED AND APPROVED by the Cibolo Public Facility Corporation, Texas, this \_\_\_ day of \_\_\_\_\_, 2026.**

\_\_\_\_\_  
**PRESEIDENT, CIBOLO PUBLIC FACILITY CORPORATION**

ATTEST:

\_\_\_\_\_  
**SECRETARY, CIBOLO PUBLIC FACILITY CORPORATION**

APPROVED AS TO FORM:

\_\_\_\_\_  
**ATTORNEY, CIBOLO PUBLIC FACILITY CORPORATION**