

23rd Annual Land Use Conference
April 25-26, 2019 • AT&T Conference Center • Austin, TX
April 25-26, 2019 • Live Webcast

Thursday Morning, Apr. 25, 2019

Presiding Officer:

Joseph J. Gorfida Jr., Nichols, Jackson, Dillard, Hager & Smith L.L.P. - Dallas, TX

7:30 am In Austin Only	Registration Opens Includes continental breakfast.
8:20 am	Welcoming Remarks
8:30 am 0.75 hr 0.25 hr ethics	Land Use Case Law Update A quick survey of recent state and federal decisions affecting land use regulation in Texas, including zoning, platting, "takings," "vested rights" and more. James L. Dougherty Jr., Attorney at Law - Houston, TX
9:15 am 0.50 hr 0.25 hr ethics	Legislative Update Review pending legislation related to land use issues and other matters important to city and county government. Snapper Carr, Law Offices of Snapper L. Carr - Austin, TX
9:45 am 0.75 hr	Redevelopment Challenges Texas cities face numerous planning, legal, political and development challenges in redevelopment. As Texas cities continue to expand and age, these challenges will increase. Causes include the need to revitalize deteriorating and neglected communities, gentrification, and the desire to attract business. Discuss these challenges and how the City of Plano, which has been characterized as both a ring suburb and an urban area unto itself, has addressed them. Moderator: William S. Dahlstrom, Jackson Walker LLP - Dallas, TX Panelists: Michelle D'Andrea, City Of Plano - Plano, TX Christina Day, City Of Plano - Plano, TX
10:30 am	Break

10:45 am 0.50 hr	<p>Repurposing Golf Courses: Regulatory and Common Law Challenges</p> <p>As more and more golf courses fail and are proposed for redevelopment into alternative uses, nearby landowners and municipalities seek to affect the redevelopment process. This can involve input into the regulatory approval process and/or exercising common law or restrictive covenant rights to maintain the golf course even after the course closes.</p> <p>Arthur J. Anderson, Winstead PC - Dallas, TX Reid C. Wilson, Wilson, Cribbs + Goren, P.C. - Houston, TX</p>
11:15 am 0.50 hr	<p>Design Discretion in Entitlements: The Hays St. Bridge Problem</p> <p>Property adjacent to the Hays St. Bridge, in downtown San Antonio, would seem to have zoning and other entitlements allowing construction of a multi-family complex. However, San Antonio has implemented design guidelines for downtown projects, which injects a large amount of discretion into the development process, via the Historic and Design Review Commission. This discretion calls into question the nature of zoning entitlements.</p> <p>James McKnight, Brown & Ortiz, P.C. - San Antonio, TX</p>
11:45 am 0.50 hr	<p>Affordable Housing</p> <p>The major funding tool for affordable housing today is the Housing Tax Credit program. Discuss the Housing Tax Credit program and how it is utilized by developer's to provide affordable and mixed-income housing for working families and seniors on fixed incomes.</p> <p>Diana McIver, The DMA Companies - Austin, TX</p>
12:15 pm In Austin Only	<p>Pick Up Lunch</p> <p>Included in registration.</p>

Thursday Afternoon, Apr. 25, 2019

Presiding Officer:

Ed Walts, The University of Texas System - Austin, TX

LUNCHEON PRESENTATION

	<p>Thank You to Our Luncheon Sponsor Jackson Walker LLP</p> 
12:35 pm 0.50 hr	<p>Demographic Characteristics and Trends in Texas: Implications for Land Use</p> <p>Discuss information on demographic, social and economic characteristics, and trends in Texas with a focus on major urban areas in light of implications for shifts related to land value and use.</p> <p>Lloyd Potter, UTSA - Texas Demographic Center - San Antonio, TX</p>

1:05 pm	Break
1:20 pm 0.75 hr	<p>Planning and Development Challenges in Small Towns</p> <p>Facilitating development in accordance with local and state laws in small towns is uniquely challenging. Hear how applicants and the town's planner work in less-structured environments with government officials who often do not possess a shared vision of accommodating growth.</p> <p>Moderator: Patty Akers, Akers & Akers, L.L.P. - Austin, TX Panelists: Lindsey Oskoui, City of Bee Cave - Bee Cave, TX John Webb, Town of Prosper - Prosper, TX</p>
2:05 pm 0.50 hr	<p>Authority of Texas Counties Over Land Use</p> <p>Discuss how, and to what extent, Texas counties control land use.</p> <p>Ben L. Stool, Dallas County District Attorney's Office - Dallas, TX</p>
2:35 pm 0.75 hr	<p>We Can't Regulate That?</p> <p>Discuss the areas of land use law where the federal government or the state has either prohibited or significantly limited municipal regulation, from pawn shops to gun ranges to cell towers to churches, and lots of things in between.</p> <p>Terrence S. Welch, Brown & Hofmeister, L.L.P. - Richardson, TX</p>
3:20 pm	Break
3:30 pm 0.50 hr	<p>Short-Term Rentals</p> <p>Address the challenges of the commercial intruder invading your neighborhoods. Hear options for protecting single-family residents and their homes.</p> <p>Matthew Boyle, Boyle & Lowry, L.L.P. - Irving, TX</p>
4:00 pm 0.50 hr	<p>Transacting Municipal Public-Private Partnerships in Texas</p> <p>The public-private partnership (P3) has emerged as an effective model in Texas as a means of developing infrastructure, and local governments are no exception. Convention centers, hotels, and courthouses are just a few examples of the projects getting done in Texas using the P3 model. Discuss the latest trends in the municipal P3 industry in Texas, and a few of the unique constitutional, statutory and practical challenges that local governments face today.</p> <p>Jeff Nydegger, Winstead PC - Austin, TX</p>
4:30 pm 1.00 hr ethics	<p>Me? Biased? The Psychology and Biology of Decision-Making</p> <p>So much of the practice of law, and anyone's professional duties, involves decision-making, and convincing others to make better decisions based upon fact rather than emotion. Focus on how people involuntarily make decisions and how to recognize and prevent bias as well as how to effectively communicate with persons whose bias affects others.</p> <p>Claude E. Ducloux, Attorney at Law, LawPay - Austin, TX</p>
5:30 pm	Adjourn

Friday Morning, Apr. 26, 2019

Presiding Officer:

Hon. Penny Redington, Austin, TX

7:30 am In Austin Only	Conference Room Opens Includes continental breakfast.
8:30 am 0.75 hr	Qualified Opportunity Zones: The “Dirt” on Tax-Driven Real Estate Development QOZs allow gain rollover and tax-free exit in real estate deals in designated “zones.” Investment in a QOZ increases after-tax rates of return easily by 50% and may drive the real estate economy for years to come. QOZ rules are still developing, but already the dirt is flying. Lindsay Dennis, Office of the Governor - Austin, TX Brian Dethrow, Jackson Walker LLP - Dallas, TX
9:15 am 1.00 hr	Financing Analysis and Requirements for Economic Development Projects Discuss the good, the bad, and the ugly on financing tools and required financial analysis for strategic partnership agreements with Municipal Utility Districts, Public Improvement Districts, Tax Increment Reinvestment Zones, and Green Bond. Moderator: Dorothy Palumbo, Bojorquez Law Firm, PC - Austin, TX Panelists: Zachariah T. Evans, McGinnis Lochridge LLP - Austin, TX Jason Hughes, Hilltop Securities - Dallas, TX Gregory D. Miller, Bickerstaff Heath Delgado Acosta LLP - Austin, TX Charles E. Zech, Denton, Navarro, Rocha, Bernal & Zech, P.C. - San Antonio, TX
10:15 am	Break
10:30 am 0.50 hr	TX-PACE Stimulates \$Millions in Building Retrofits at No Cost to Local Governments Learn how businesses are using Property Assessed Clean Energy (PACE) economic development programs to update offices, factories, hotels, malls, mixed use properties, and more. Hear details about the uniform plug and play Texas model program called “PACE in a Box,” the wide range of economic and environmental benefits, the importance of quality underwriting and technical best practices, and successful PACE projects for hotels, factories, office buildings, malls, and mixed use properties in rural and urban Texas. Charlene Heydinger, Texas PACE Authority - Austin, TX
11:00 am 0.50 hr	Texas General Land Office Hurricane Harvey: Texas at Risk Christa López, Texas General Land Office - Austin, TX

11:30 am 0.50 hr	Nonconformities Hear a comprehensive discussion of nonconforming uses and structures, and how nonconforming rights may be established, regulated and terminated. Plus a bonus tip: Stop using the term “legal nonconforming”! Brenda N. McDonald, Messer, Rockefeller & Fort, PLLC - Frisco, TX
12:00 pm In Austin Only	Pick Up Lunch Included in registration.

Friday Afternoon, Apr. 26, 2019

Presiding Officer:

Christy Drake-Adams, Texas Municipal League - Austin, TX

LUNCHEON PRESENTATION

12:20 pm 0.50 hr	Land Use & Future Tech An examination of changing technology and its effect on land use and transportation planning law. Casey Burgess, Dallas City Attorney's Office - Dallas, TX
12:50 pm	Break
1:05 pm 0.50 hr	Takings: A Case Study in Current Issues Explore topical issues in inverse condemnation, with an emphasis on pragmatic suggestions to resolving takings disputes. Robert F. Brown, Brown & Hofmeister, L.L.P. - Richardson, TX
1:35 pm 0.75 hr	Annexations Discuss dealing with annexations post SB 6 including public/private cooperation and annexation strategies for Tier 1 and Tier 2 cities. Craig Farmer, FAICP, Municipal Planning Services, LLP - Weatherford, TX Rob Killen, Kaufman & Killen, Inc. - San Antonio, TX Charles E. Zech, Denton, Navarro, Rocha, Bernal & Zech, P.C. - San Antonio, TX
2:20 pm 0.50 hr	What's Up With Your Right of Way? A summary of how municipal streets, alleys, and other rights-of-way are created, utilized, and regulated, including recent developments, franchising issues, and recommendations. Monte Akers, Akers & Akers, L.L.P. - Austin, TX
2:50 pm	Break

3:00 pm 0.50 hr	<p>Cell Site Applications in a 5G World: Reconciling State and Federal Rules</p> <p>Review current state and federal rules regarding municipal approval of cell sites in the public ROW and on private property and discuss how to reconcile the rules when they conflict. In addition, get an update on the status of litigation over Texas Local Government Code Chapter 284.</p> <p>Don Knight, Dallas City Attorneys Office - Dallas, TX Gunnar Peterson Seaquist, Bickerstaff Heath Delgado Acosta LLP - Austin, TX</p>
3:30 pm 1.00 hr ethics	<p>Trying Your Land Use Cases in the Media</p> <p>Legal ethics rules provide specific guidance as to what a lawyer can and cannot say about a pending case. Discuss how those rules work in the age of social media, retweets, and digital counter-punching.</p> <p>John G. Browning, Passman & Jones - Dallas, TX</p>
4:30 pm	Adjourn