

2011

LAND USE PLANNING



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FUNDAMENTALS: March 30, 2011

CONFERENCE: March 31–April 1, 2011

AT&T Conference Center ▪ Austin, Texas

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Earn up to 16.25 Hours of MCLE Credit including 2.25 Hours of Ethics Credit

Specialization Credit Approved for Administrative Law and Real Estate Law

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Credit Expected for ACE, AICP, and Texas Professional Land Surveyor

2011
LAND USE PLANNING FUNDAMENTALS

March 30, 2011 ■ AT&T Conference Center ■ Austin, Texas

Earn up to 3.75 Hours of MCLE Credit

WEDNESDAY AFTERNOON, MAR. 30, 2011

Presiding Officer: Charles E. Zech,
Denton, Navarro, Rocha & Bernal, P.C.,
San Antonio, TX

12:15 p.m. Fundamentals Registration Opens

Includes light refreshments.

1:00 p.m. Welcoming Remarks

1:15 p.m. .33 hr

Overview of the Planning and Development Process: From Application to Implementation

A brief overview of what one could expect while moving through a typical development process.

Charles E. Zech, Denton, Navarro, Rocha & Bernal, P.C.,
San Antonio, TX

1:35 p.m. .33 hr

Comprehensive Planning

The role and use of comprehensive planning in Texas.

James R. Schnurr, Brown & Hofmeister, L.L.P.,
Richardson, TX

1:55 p.m. .83 hr

Zoning Fundamentals: The Law, the Players, the Board of Adjustment and the Procedures

This session reviews the Texas Zoning Enabling Act, the "players" in the zoning game, critical zoning procedures and legal constraints.

Jeffrey S. Howard, McLean & Howard, L.L.P.,
Austin, TX
Charles E. Zech, Denton, Navarro, Rocha & Bernal, P.C.,
San Antonio, TX

2:45 p.m. Break

3:00 p.m. .83 hr

Platting Basics from A to Z

An overview of platting basics including what an ordinance can (and should) say, recommended procedures, county authority and more.

William S. Dahlstrom, Jackson Walker, L.L.P.,
Dallas, TX
Reid C. Wilson, Wilson, Cribbs & Goren, P.C.,
Houston, TX

Additional Land Use and Planning Issues

3:50 p.m. .50 hr

County Land Use Regulation: Understanding the World Outside the Municipal Limits

This session reviews county land use regulations and other limited regulatory tools available to county governments as they relate to development.

David Hartman, Smith, Robertson, Elliott, Glen, Klein & Douglas, L.L.P., Austin, TX
Tom Nuckols, Travis County Attorney's Office,
Austin, TX

4:20 p.m. .33 hr

Regulation of Sexually-Oriented Businesses

This presentation includes a summary of the regulations traditionally adopted by cities to address adult businesses, as well as the studies upon which cities rely when adopting adult business ordinances. The speaker identifies and discusses unconventional land use regulations that can be implemented to mitigate secondary effects attributed to adult businesses without running afoul of the First Amendment.

Melissa D. Lindelow, Shupe Ventura Lindelow & Olson, PLLC, Fort Worth, TX

4:40 p.m. .33 hr

The Nuts and Bolts of Alcohol Regulation

This session outlines key provisions of the Texas Alcoholic Beverage Code (TABC) as applied to municipalities, and explores the sometimes surprising loss of zoning control under certain provisions.

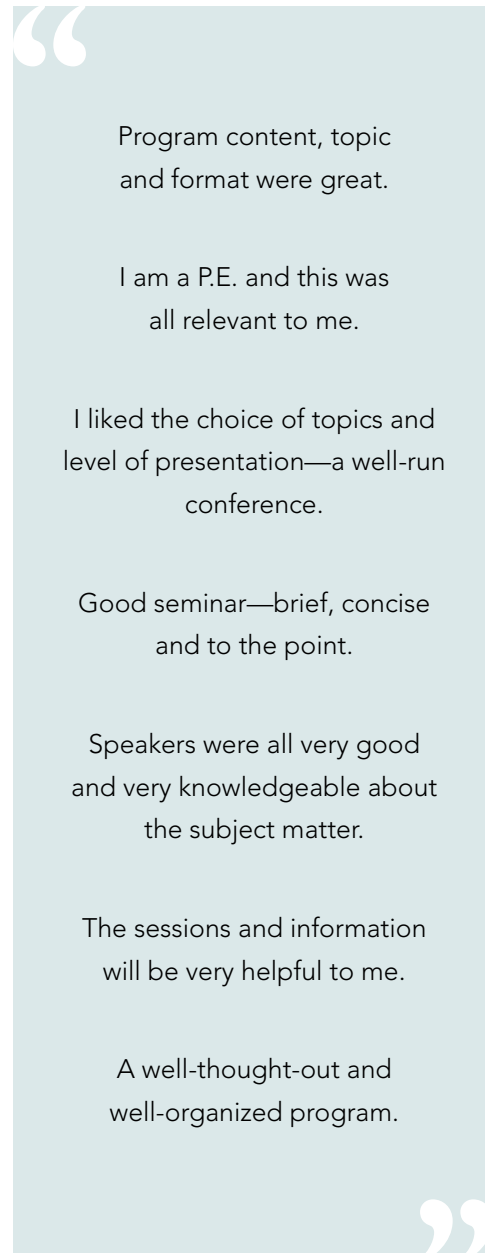
Karen H. Brophy, City of Irving, Irving, TX

5:00 p.m. .33 hr

Q&A Session

The Fundamentals speakers answer your questions in this structured session.

5:20 p.m. Fundamentals Adjourns



FUNDAMENTALS MCLE

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 3.75 hours. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).

INSTITUTE MCLE

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 13.00 hours, of which 2.25 credit hours will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).

2011

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THURSDAY MORNING, MAR. 31, 2011

Presiding Officer: Julie Y. Fort,
McKamie Krueger, LLP, Richardson, TX

8:00 a.m. Conference Registration
Opens
Includes continental breakfast.

8:50 a.m. Welcoming Remarks

The New Normal: Growth, Financing and Funding Opportunities for Municipalities and Developers

9:00 a.m. .50 hr
**Economic and Municipal Development in
Texas: A Look to the Future, and the Domestic
and Global Influences on Growth**
Jon Hockenyos, TXP, Austin, TX

9:30 a.m. .50 hr
**Municipalities, Counties and Money:
Where Are We and What's Ahead?**
A discussion of the financial conditions and
challenges facing cities, counties and governments,
including bonds and rates, loss or reduction in
federal and state grants, political limits on taxing,
and bonding issues—including the end of the Build
America Bond program.
Rogelio A. Rodriguez, Frost Bank, San Antonio, TX

10:00 a.m. .67 hr
**Developers and Money: What's Financeable
in Today's Markets, and Where Is the Money?**
Perspectives, analysis and commentary from legal
counsel, a financing expert and a developer on
what is getting financed in today's market and how
it's being done.

Moderator:
Barron F. Wallace, Vinson & Elkins LLP, Houston, TX
Panelists:
David M. Adelman, Cross & Company,
San Antonio, TX
James Sabonis, First Southwest Company, Dallas, TX

10:40 a.m. Break

Tools and Strategies for the New Normal

10:55 a.m. .17 hr

Introduction and Overview

The rules of the economy and development are
fundamentally being rewritten. What are the
implications for communities, developers, lawyers
and planners?

E. Scott Polikov, Gateway Planning Group, Inc.,
Fort Worth, TX

11:05 a.m. .50 hr

Economic Development Tools in the New Normal, Part I

Understanding the role of special districts and
alternatives to special districts, including TIFs and
380 agreements.

Peter G. Smith, Nichols, Jackson, Dillard, Hager &
Smith L.L.P., Dallas, TX

11:35 a.m. .50 hr

Economic Development Tools in the New Normal, Part II

MMDs and PIDs—how they work and when
they are most effective in the current economic
environment, plus tips, pitfalls and best practices.

Dwight A. (Ike) Shupe, Shupe Ventura Lindelow &
Olson, PLLC, Fort Worth, TX

12:05 p.m.

SPECIAL ACKNOWLEDGEMENT *Susan Rocha*

Susan Rocha was a true pioneer, not only for women
in municipal law, but also for Mexican-American
attorneys in Texas. She helped hundreds of cities,
city officials and fellow city attorneys, thereby
touching the lives of thousands of citizens living in
Texas.

Susan was a life-long leader in the practice of land
use and municipal law, and a key figure in the
development of this conference which she chaired
in 2010. Susan passed away unexpectedly that
summer—her laughter, spirit and guidance will be
deeply missed.

Remarks by:
Charles Zech, Denton, Navarro, Rocha & Bernal, P.C.,
San Antonio, TX
Lauren Ford Crawford, Texas Municipal League,
Austin, TX

12:15 p.m. Break to Pick Up Lunch

THURSDAY AFTERNOON

Presiding Officer: E. Scott Polikov,
Gateway Planning Group, Inc.,
Fort Worth, TX

LUNCHEON PRESENTATION

12:30 p.m. .50 hr

Affordable Housing: Challenges and Perspectives

A leading developer of affordable housing shares
tips, pitfalls and best practices, along with the
challenges and opportunities for developers and
municipalities.

Dan Markson, The NRP Group LLC, San Antonio, TX

1:00 p.m. Break

1:15 p.m. 1.00 hr

Putting It All Together: Public and Private Collaborations, Strategies and Options for Success in the New Normal

A discussion of how various tools and incentives are
being used, in practice, to initiate and complete
public/private projects—from counsel, developer
and planner perspectives. What's working, and
what are the strategies, pitfalls, options and
opportunities for success in the new normal.

Moderator:
E. Scott Polikov, Gateway Planning Group, Inc.,
Fort Worth, TX

Panelists:
Robert F. Brown, Brown & Hofmeister, L.L.P.,
Richardson, TX
Misty M. Ventura, Shupe Ventura Lindelow &
Olson, PLLC, Dallas, TX
Lucilo Pena (Invited), Billingsley Company, Dallas, TX

2:15 p.m. .75 hr

After the Deal Closes: Forgotten Management Issues, Pitfalls and Tips Involving Public/Private Collaborations

Lessons learned—practical tips for a long and
dispute-free partnership.

Moderator:
Lynne B. Humphries, Allen Boone Humphries
Robinson LLP, Houston, TX

Panelists:
Robert M. Eury, Central Houston, Inc., Houston, TX
Jeff Taebel, Houston-Galveston Area Council,
Houston, TX

3:00 p.m. Break

3:15 p.m. .50 hr

Protecting Your Agreements (As Best You Can) in the Face of Bankruptcy

What government entities and additional stakeholders in public/private developments or incentive arrangements can do to protect themselves from bankruptcy risk (and how government can protect their positions when incentivized parties go bankrupt).

Patty Akers, Akers & Boulware-Wells, L.L.P.,
Austin, TX
Stephen W. Lemmon, Brown McCarroll, L.L.P.,
Austin, TX
Nikelle Susanne Meade, Brown McCarroll, L.L.P.,
Austin, TX

3:45 p.m. .83 hr

The Role of Annexation and ETJ in the New Normal

This session discusses practical tips and pointers under annexation laws, noncontiguous pieces of property (islands) and aggressive annexation.

Terrence S. Welch, Brown & Hofmeister, L.L.P.,
Richardson, TX
Ruben Rogelio Barrera, Bracewell & Giuliani LLP,
San Antonio, TX
Regan E. Beck, Texas Farm Bureau, Waco, TX

4:35 p.m. 1.00 hr ethics

Everything's Local: You May Be a Lobbyist

Lobby regulators vary from city to city—know the rules and how they impact you.

Ross Fischer, Denton, Navarro, Rocha & Bernal, P.C.,
Austin, TX

5:35 p.m. Adjourn

FRIDAY MORNING, APR. 1, 2011

**Presiding Officer: Dorothy Palumbo,
City of Highland Village,
Highland Village, TX**

8:30 a.m. Conference Room Opens

Includes continental breakfast.

9:00 a.m. .50 hr

Legislative Update

What's happening in the 2011 legislative session and how it will affect counties, municipalities and land use development.

John P. Donisi, Drenner & Golden Stuart Wolff, LLP,
Austin, TX

9:30 a.m. .75 hr ethics

The Ethics of Negotiation: Are There Any?

What are the boundaries, borders and grey areas for lawyers involved in negotiations? A fast-paced presentation with points to ponder, hypotheticals to consider, and something to smile about.

Jason Boulette, Boulette & Golden L.L.P., Austin, TX

10:15 a.m. .50 hr

Exaction, Proportionality, Impact Fees, Development Agreements and Alternative Revenue Streams under the New Normal

A discussion and analysis of how governmental entities and developers are managing and dealing with capital infrastructure needs in the current economic climate.

Arthur J. Anderson, Winstead PC, Dallas, TX

10:45 a.m. Break

11:00 a.m. .50 hr

Barnett Shale and Beyond: Municipal and County Approaches, Challenges and Successes in Regulating Shale Gas Exploration and Development in Urban Environments

A discussion of the complex issues posed by county and municipal efforts and approaches to regulate shale gas exploration, production and pipelines, as well as the latest Texas legislative developments.

Sen. Wendy Davis, Texas State Senate,
Fort Worth, TX
James D. Bradbury, Attorney at Law, Fort Worth, TX

11:30 a.m. 1.00 hr

Trends, Tips and Pitfalls Involving Green and Sustainable Development

This presentation covers key issues faced by local governments, planners and developers, including local governments' approaches to encourage the integration of green and sustainable building techniques into zoning ordinances and other regulations; practical tips, trends and pitfalls in recent and current projects; plus design, construction and performance issues involving energy efficient construction.

Moderator:
William S. Dahlstrom, Jackson Walker, L.L.P.,
Dallas, TX

Panelists:
Jeffrey S. Chapman, Ford, Nassen & Baldwin, P.C.,
Austin, TX
Matthew Goebel, Clarion Associates, Denver, CO

12:30 p.m. Break to Pick Up Lunch

FRIDAY AFTERNOON

**Presiding Officer: Kimberley Mickelson,
Law Office of Kimberley Mickelson, PC,
Houston, TX**

LUNCHEON PRESENTATION

12:45 p.m. .75 hr including .50 hr ethics

Advanced ZBA Issues, with a Mock Zoning Hearing

This presentation covers the "Big Three" of ZBA practice: interpretation, special exception and variance. Also covered are administrative appeals and traps—both appealing from the administrative

official to ZBA and appealing from ZBA to court—and the appropriate standard of review.

Moderator:
Ross Fischer, Denton, Navarro, Rocha & Bernal, P.C.,
Austin, TX

Panelists:
James L. Dougherty Jr., Attorney at Law, Houston, TX
Reid C. Wilson, Wilson, Cribbs & Goren, P.C.,
Houston, TX

1:30 p.m. Break

Select Issues of Interest in Today's Land Use Planning Environment

1:45 p.m. .50 hr

Infill Development and Preservation

Cities, increasingly, are dealing with infill development. What tools are available to incentivize and streamline development, protect the integrity of communities, and increase the flexibility of codes in light of an unpredictable and perhaps permanently changed real estate market without exposing the community to legal challenges?

S. Mark White, White & Smith, LLC, Lee's Summit, MO

2:15 p.m. .50 hr

Contracting with the King: Understanding Sovereign Immunity and Limits on the Legal Enforceability of Agreements

Overview and highlights of legal issues of sovereign immunity in Texas, including limits on the enforceability of agreements involving land use planning and development; and the use of sovereign immunity defenses as a "shield" from various land use causes of action, including condemnation actions involving pipelines.

Michael A. Shaunessy, Sedgwick, Detert, Moran & Arnold LLP, Austin, TX

2:45 p.m. .33 hr

Taking the Beaches: A Guide to Beach Regulation and Takings Law

An analysis of the 2009 federal and state decisions involving beachfront property, the future of the Texas Open Beaches Act, and what the decisions add to takings jurisprudence.

Kimberley Mickelson, Law Office of Kimberley Mickelson, PC, Houston, TX

3:05 p.m. .33 hr

Mobile Food Vendors

Economic realities and other factors have shifted start-up restaurants from brick-and-mortar operations to alternative venues, such as food trucks. Local governments are confronted with balancing the buzz and the impact in a context of regulations that assume land uses are static. This session examines responses from numerous jurisdictions.

Deborah F. McAbee, City of Houston, Houston, TX

3:25 p.m. Conference Adjourns

REGISTRATION FOR 2011 LAND USE PLANNING

Mail this registration form to:
**The University of Texas School
of Law, Attn. CLE—LB11/LD11**
P.O. Box 7759
Austin, TX 78713-7759

or fax a copy to:
512-475-6876

or register online:
www.utcle.org

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REGISTRATION Includes Free Parking, Free Wi-Fi, Course Materials, and Thursday and Friday Luncheon Presentations.

FUNDAMENTALS—MARCH 30, 2011

Includes Course Binder and Parking

- ☐ Early Registration due Wednesday, March 23, 2011 \$100
☐ Registration after Wednesday, March 23, 2011 \$125

Fundamentals Registration Total \$ _____

CONFERENCE—MARCH 31–APRIL 1, 2011

Includes Course Binder, Thursday and Friday Luncheon Presentations, and Parking

- ☐ Early Registration due Wednesday, March 23, 2011 \$475
☐ Registration after Wednesday, March 23, 2011 \$525

Conference Registration Total \$ _____

SAVE \$50 WHEN YOU REGISTER FOR BOTH FUNDAMENTALS AND CONFERENCE

(-\$50) \$ _____

REGISTRATION TOTAL

\$ _____

PUBLICATIONS AND MEDIA *Allow 3-5 weeks from the conference date for delivery.*

FUNDAMENTALS

- ☐ Course Binder Without Conference Registration \$60
Note: Conference registration includes Course Binder
☐ Audio MP3 Speeches on CD \$50
☐ Audio CD Set \$90
☐ eBinder on CD (PDF format) \$60/\$25
(\$60 purchased alone, \$25 with Registration or purchase of Course Binder or Audio MP3 Speeches on CD or Audio CD Set)

Fundamentals Publications and Media Total \$ _____

CONFERENCE

- ☐ Course Binder Without Conference Registration \$225
Note: Conference registration includes Course Binder
☐ Audio MP3 Speeches on CD \$130
☐ Audio CD Set \$210
☐ eBinder on CD (PDF format) \$225/\$50
(\$225 purchased alone, \$50 with Registration or purchase of Course Binder or Audio MP3 Speeches on CD or Audio CD Set)

Conference Publications and Media Total \$ _____

PUBLICATIONS AND MEDIA TOTAL

\$ _____

IN-HOUSE CLE: Bring the conference in-house and learn at your convenience. *Allow 3-5 weeks from the conference date for delivery. Approved for Texas MCLE credit.*

FUNDAMENTALS

- ☐ In-House CLE for 2 \$250
Includes Audio CD Set and Course Binders
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Fundamentals In-House CLE Total \$ _____

CONFERENCE

- ☐ In-House CLE for 2 \$825
Includes Audio CD Set and Course Binders
____ Add participants (includes Course Binder) for \$225 each \$ _____
Conference In-House CLE Total \$ _____

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AUSTIN

**March 30, 2011 and
March 31–April 1, 2011**

CONFERENCE LOCATION



AT&T Conference Center

The University of Texas
1900 University Avenue
Austin, TX 78705
512-404-3600

Special Room Rate: \$159
good through February 24, 2011
(subject to availability)

Parking: Included in registration fee.
Please bring your parking stub from any UT
parking garage to the registration desk each
day to exchange for a paid voucher.

KEY DATES

March 23, 2011, 5 p.m.
last day for early registration
add \$50 for registrations
received after this time

March 25, 2011, 5 p.m.
last day for full refund

March 28, 2011, 5 p.m.
last day for partial refund
\$50 processing fee applied

March 30, 2011, 1:15 p.m.
Fundamentals begins

March 31, 2011, 9 a.m.
Conference begins

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