

13th Annual Land Use Conference

March 26-27, 2009 • • Austin,

Thursday Morning, Mar. 26, 2009

Presiding Officer:

Reid Carroll Wilson, Wilson, Cribbs & Goren, P.C. - Houston, TX

9:00 am 0.75 hr	<p>Fear Factor? Financial Market and Real Estate Development 2009-- Where Are We and What's Ahead?</p> <p>Is the Texas real estate market following the rest of the country... down the tubes?</p> <p>Jay C. Hartzell, Real Estate Finance and Investment Center, McCombs School of Business - Austin, TX</p>
9:45 am 1.00 hr	<p>Developers' Perspective in Tough Times</p> <p>Developers discuss and share their pain and business processes on how they analyze and choose to move ahead on projects, including market analysis, financing constraints, building costs and regulatory costs, burdens and incentives. The session closes with a discussion and commentary on what developers would like to see from municipal and county officials to make development happen.</p> <p>Moderator: Reid Carroll Wilson, Wilson, Cribbs & Goren, P.C. - Houston, TX Burdette Huffman, Weingarten Realty - Houston, TX Terry E. Mitchell, Momark Development LLC - Austin, TX David Palmer, Cencor Realty Services - Dallas, TX</p>
10:45 am	Break
11:00 am 1.00 hr	<p>Empty Spaces: Municipal Options to Refill, Recycle and Redevelop</p> <p>This session explores municipal options and approaches to manage, re-fill, recycle and redevelop empty or abandoned properties. Code enforcement, re-zoning and special incentives, public/private collaboration, etc. are discussed.</p> <p>Moderator: Peter Gardner Smith, Nichols Jackson Dillard Hager - Dallas, TX Fernando Costa, City of Fort Worth - Fort Worth, TX Marlene Gafrick, City of Houston Planning Department - Houston, TX Patrick Howard, Department of Planning and Development Services - San Antonio, TX Theresa O'Donnell, City of Dallas - Dallas, TX</p>

Thursday Afternoon, Mar. 26, 2009

Presiding Officer:

Veronica Rivera, Akers & Boulware-Wells - Austin, TX

	Luncheon Presentation
12:00 pm	Pick up Box Lunch

12:15 pm 0.75 hr	<p>Key Note Lunch Presentation: A Better Way to Zone</p> <p>An analysis of the politics, economics, law and process of land development and zoning in America today.</p> <p>Donald L. Elliott, Clarion Associates - Denver, CO</p>
1:00 pm	<p>Break</p>
1:15 pm 0.75 hr	<p>Land Use Regulations Outside the City...in the ETJ and Beyond</p> <p>What activities can cities regulate? What can counties do? How do you deal with overlaps?</p> <p>Moderator: Hon. Penelope Graves Redington, Texas Association of Regional Councils - Austin, TX</p> <p>Panelists: James P. Allison, Allison Bass & Associates - Austin, TX</p> <p>Panelists: Stephan L. Sheets, Sheets & Crossfield - Round Rock, TX</p>
2:00 pm 0.50 hr	<p>MUDs and SUDs and Other Water Critters</p> <p>A primer on financing water, sewer and drainage facilities, including the developer role, city powers, CCNs and Federal preemption issues.</p> <p>Julie Y. Fort, Strasburger & Price, LLP - Frisco, TX Misty M. Ventura, K&L Gates LLP - Dallas, TX</p>
2:30 pm 0.75 hr	<p>Vested Rights: A Practical Toolkit on How Best to Present and Respond to Claims</p> <p>This session covers best practices and approaches for applicants presenting vested rights claims and for municipalities responding to these claims. Model ordinances, regulatory approaches and best practices in administrative proceedings are covered. This is a practical, non-ideological presentation suitable for lawyers and non-lawyers.</p> <p>Dwight A. Shupe, K&L Gates LLP - Fort Worth, TX S. Mark White, White & Smith, LLC - Lee's Summit, MO</p>
3:15 pm	<p>Break</p>
3:30 pm 0.33 hr	<p>Regulating Signs Without Reading Them</p> <p>The First Amendment is violated when government regulates speech, including signage, based on the content of the message instead of reasonably restricting the time, place and manner of such speech. This session reviews the U.S. Supreme Court jurisprudence prohibiting content-based sign regulations and the case of <i>RTM Media LLC vs. The City of Houston</i> recently issued by the United States District Court for the Southern District of Texas on the topic. Additionally, the Texas Supreme Court has granted a petition to review the case of <i>State of Texas v. Central Expressway Sign Associates, et al.</i> regarding the compensability of billboards in eminent domain.</p> <p>Richard L. Rothfelder, Rothfelder & Falick LLP - Houston, TX</p>

3:50 pm 1.00 hr 0.33 hr ethics	<p>How to Run Bulletproof and Effective Meetings and Contested Hearings — Including Related Ethical Issues</p> <p>This session opens by highlighting the key procedures that must be followed to schedule and run adjudicative hearing and legislative meetings, including tips on how to effectively manage the process and avoid mistakes. This session continues with a discussion on techniques and strategies that can be used to maximize stakeholder input and increase the likelihood of achieving substantive results. Ethical issues and related exhaustion issues are discussed.</p> <p>Commentator: James L. Dougherty Jr., Attorney at Law - Houston, TX E. Allen Taylor Jr., Taylor, Olson, Adkins, Sralla & Elam, L.L.P. - Fort Worth, TX</p>
4:50 pm 0.50 hr	<p>It Never Hurts to Ask (Or Does It?): Outrageous Land Use Requests</p> <p>A fun, entertaining and educational look at true stories about land use requests.</p> <p>Charles F. McNabb Jr., City Attorney's Office - El Paso, TX</p>
5:20 pm	Adjourn

Friday Morning, Mar. 27, 2009

Presiding Officer:

James L. Dougherty Jr., Attorney at Law - Houston, TX

	<p>Breakfast Break-Out Sessions</p> <p>Included in conference registration. One-on-one discussions of current issues on topics important to you and your clients.</p>
8:00 am 0.75 hr	<p>Breakfast Topic: High Tech Zoning: Antennas, Towers & Telecom</p> <p>Deborah F. McAbee, City of Houston Legal Department - Houston, TX</p>
8:00 am 0.75 hr	<p>Breakfast Topic: ETJ and Annexation Workshop Q&A with an Expert</p> <p>Robert F. Brown, Brown & Hofmeister, L.L.P. - Richardson, TX</p>
8:00 am 0.75 hr	<p>Breakfast Topic: So My Boundaries Don't Close. Is that a Problem?</p> <p>Patty Akers, Bickerstaff Heath Delgado Acosta - Austin, TX</p>
8:00 am 0.75 hr	<p>Breakfast Topic: Small Town Land Use Challenges</p> <p>Arthur Pertile III, Olson & Olson, L.L.P - Houston, TX</p>
8:00 am 0.75 hr	<p>Breakfast Topic: Impact Fees - What's New?</p> <p>Dorothy Palumbo, City of Highland Village - Highland Village, TX Julian Andrew Grant, Office of the Attorney General - Austin, TX</p>

8:00 am 0.75 hr	Breakfast Topic: Off-Street Parking: How Much is Enough? Mary Lou Henry, T.B.G. / Vernon Henry & Associates - Houston, TX
8:00 am 0.75 hr	Breakfast Topic: No Religion Please. We're Planners Ryan Scott Henry, Denton Navarro Rocha & Bernal PC - San Antonio, TX
8:45 am	Break
9:00 am 0.67 hr	The Appeal of Comprehensive Form-Based Zoning in Troubled Times What has the last year brought in new ideas and implications of form-based zoning? A discussion of the role and goals of form-based zoning and examples of effective use to achieve mixed-use development in troubled times in combination with other planning tools. E. Scott Polikov, Gateway Planning Group Inc - Fort Worth, TX
9:40 am 0.75 hr	Zoning for Transit: Do's and Don'ts Best practices near transit facilities. Dana Burghdoff, City of Fort Worth - Fort Worth, TX William S. Dahlstrom, Jackson Walker, L.L.P. - Dallas, TX Jack Wierzenski, Dallas Area Rapid Transit - Dallas, TX
10:25 am 0.67 hr	Clean Up That Plat! Experts discuss the proliferation of "plat notes" and other gobbledygook on plats, and suggest a return to the roots of platting with plain English dedication form and related notions. James L. Dougherty Jr., Attorney at Law - Houston, TX Reid Carroll Wilson, Wilson, Cribbs & Goren, P.C. - Houston, TX
11:05 am	Break
11:20 am 0.50 hr	Ripe and Exhausted: Current Trends in Land Use Case Law A summary of the hoops a development permit applicant needs to jump through in order to file suit against a governmental entity. Arthur J. Anderson, Winstead PC - Dallas, TX
11:50 am 0.50 hr	Green Developing: What's Happening? Newest LEED, Green Globes and EnergyStar programs for green buildings; ANSI, ASHRAE and traditional building codes; green neighborhood design and platting. Brian M. Malarkey, Kirksey - Houston, TX

Friday Afternoon, Mar. 27, 2009

Presiding Officer:

William E. (Ed) Walts II, The University of Texas System - Austin, TX

	Luncheon Presentation
12:20 pm	Pick up Box Lunch
12:35 pm 0.25 hr	Land Use: Legislative Update What's filed? What might pass? Dorothy Palumbo, City of Highland Village - Highland Village, TX
12:50 pm 1.00 hr ethics	The Big Deal: Ethics of Negotiations Involving Economic Development A discussion of ethical pitfalls, problem areas, conflict and confidentiality issues, and recommended approaches to negotiating economic development deals involving governmental entities, large out-of-state companies, investors, landowners and locals. Ross Fischer, City of Seguin - Seguin, TX
1:50 pm	Break
	Land Use Regulation of Local Drilling Activities and Pipelines
2:05 pm 0.67 hr	Oil and Gas Exploration and Drilling: "Drill, Baby Drill" vs. "Get That Rig Out of My Yard" A discussion and analysis of current trends in municipal regulation and drilling activity, including the role of the railroad commission and preemption. Jim Blackwell, Blackwell Environmental, LLC - Marble Falls, TX Charles E. Zech, Denton, Navarro, Rocha & Bernal, P.C. - San Antonio, TX
2:45 pm 0.33 hr	Regulation of Pipelines What can local jurisdictions do to regulate pipelines: a look at federal preemption issues and options available to control, limit or prevent build-out. William G. Owens, Hays & Owens LLP - Austin, TX
3:05 pm 0.75 hr ethics	Advising Businesses and Government in a Troubled Economy: Ethical Policies, Procedures and Behavior James M. McCormack, Law Office of James M. McCormack - Austin, TX
3:50 pm	Adjourn