

2011 Land Use Planning Conference

March 31 - April 1, 2011 • AT&T Conference Center • Austin, TX

Thursday Morning, Mar. 31, 2011

Presiding Officer:

Julie Y. Fort, McKamie Krueger, LLP - Richardson, TX

8:00 am	Conference Registration Opens Includes continental breakfast.
8:50 am	Welcoming Remarks
	The New Normal: Growth, Financing and Funding Opportunities for Municipalities and Developers
9:00 am 0.50 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 am 0.50 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 am 0.67 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. David M. Adelman, Cross & Company - San Antonio, TX Ben A. Brooks III, Vinson & Elkins LLP - Dallas, TX
10:40 am	Break
	Tools and Strategies for the New Normal
10:55 am 0.17 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 am 0.50 hr	<p>Economic Development Tools in the New Normal, Part I</p> <p>Understanding the role of special districts and alternatives to special districts, including TIFs and 380 agreements.</p> <p>Peter Gardner Smith, Nichols, Jackson, Dillard, Hager & Smith L.L.P. - Dallas, TX</p>
11:35 am 0.50 hr	<p>Economic Development Tools in the New Normal, Part II</p> <p>MMDs and PIDs--how they work and when they are most effective in the current economic environment, plus tips, pitfalls and best practices.</p> <p>Dwight A. (Ike) Shupe, Shupe Ventura Lindelow & Olson, PLLC - Fort Worth, TX</p>
12:05 pm	<p>Special Acknowledgement of Susan Rocha</p> <p>Remarks by: Charles Zech, Denton, Navarro, Rocha & Bernal, P.C., San Antonio, TX Lauren Ford Crawford, Texas Municipal League, Austin, TX</p> <p>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.</p> <p>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.</p>
12:15 pm	<p>Break to Pick Up Lunch</p> <p>Included in conference registration.</p>

Thursday Afternoon, Mar. 31, 2011

Presiding Officer:

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

	LUNCHEON PRESENTATION
12:30 pm 0.50 hr	<p>Affordable Housing: Challenges and Perspectives</p> <p>A leading developer of affordable housing shares tips, pitfalls and best practices, along with the challenges and opportunities for developers and municipalities.</p> <p>Dan Markson, The NRP Group LLC - San Antonio, TX</p>
1:00 pm	Break

1:15 pm 1.00 hr	<p>Putting It All Together: Public and Private Collaborations, Strategies and Options for Success in the New Normal</p> <p>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.</p> <p>Moderator: E. Scott Polikov, Gateway Planning Group, Inc. - Fort Worth, TX</p> <p>Panelists: Robert F. Brown, Brown & Hofmeister, L.L.P. - Richardson, TX</p> <p>Panelists: Lucilo Pena, Billingsley Company - Dallas, TX</p> <p>Panelists: Misty M. Ventura, Shupe Ventura Lindelow & Olson, PLLC - Dallas, TX</p>
2:15 pm 0.75 hr	<p>After the Deal Closes: Forgotten Management Issues, Pitfalls and Tips Involving Public/Private Collaborations</p> <p>Lessons learned—practical tips for a long, dispute-free partnership.</p> <p>Moderator: Lynne B. Humphries, Allen Boone Humphries Robinson LLP - Houston, TX</p> <p>Panelists: John Breeding, Uptown Houston District - Houston, TX</p> <p>Panelists: Jeff Taebel, Houston-Galveston Area Council - Houston, TX</p>
3:00 pm	Break
3:15 pm 0.50 hr	<p>Protecting Your Agreements (As Best You Can) in the Face of Bankruptcy</p> <p>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).</p> <p>Patty Akers, Akers & Boulware-Wells, LLP - Austin, TX</p> <p>Stephen W. Lemmon, Brown McCarroll, L.L.P. - Austin, TX</p> <p>Nikelle S. Meade, Brown McCarroll, L.L.P. - Austin, TX</p>
3:45 pm 0.83 hr	<p>The Role of Annexation and ETJ in the New Normal</p> <p>This session discusses practical tips and pointers under annexation laws, noncontiguous pieces of property (islands) and aggressive annexation.</p> <p>Ruben Rogelio Barrera, Bracewell & Giuliani LLP - San Antonio, TX</p> <p>Regan E. Beck, Texas Farm Bureau - Waco, TX</p> <p>Terrence S. Welch, Brown & Hofmeister, L.L.P. - Richardson, TX</p>
4:35 pm 1.00 hr ethics	<p>Everything's Local: You May Be a Lobbyist</p> <p>Lobby regulators vary from city to city—know the rules and how they impact you.</p> <p>Ross Fischer, Denton, Navarro, Rocha & Bernal, P.C. - Austin, TX</p>
5:35 pm	Adjourn

Friday Morning, Apr. 1, 2011

Presiding Officer:

Dorothy Palumbo, City of Highland Village - Highland Village, TX

8:30 am	Conference Room Opens Includes continental breakfast.
9:00 am 0.50 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 am 0.75 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 am 0.50 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 am	Break
11:00 am 0.50 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. James D. Bradbury, Attorney at Law - Fort Worth, TX
11:30 am 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 Scott Chapman, Ford, Nassen & Baldwin, P.C. - Austin, TX Panelists: Matthew Goebel, Clarion Associates - Denver, CO
12:30 pm	Break to Pick Up Lunch

Friday Afternoon, Apr. 1, 2011

Presiding Officer:

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

	LUNCHEON PRESENTATION
12:45 pm 0.75 hr 0.50 hr ethics	<p>Advanced ZBA Issues, with a Mock Zoning Hearing</p> <p>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.</p> <p>Moderator: Ross Fischer, Denton, Navarro, Rocha & Bernal, P.C. - Austin, TX</p> <p>Panelists: James L. Dougherty Jr., Attorney at Law - Houston, TX</p> <p>Panelists: Reid C. Wilson, Wilson, Cribbs & Goren, P.C. - Houston, TX</p>
1:30 pm	Break
	Select Issues of Interest in Today's Land Use Planning Environment
1:45 pm 0.50 hr	<p>Infill Development and Preservation Tools</p> <p>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?</p> <p>S. Mark White, White & Smith, LLC - Lees Summit, MO</p>
2:15 pm 0.50 hr	<p>Contracting with the King: Understanding Sovereign Immunity and Limits on the Legal Enforceability of Agreements</p> <p>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.</p> <p>Michael A. Shaunessy, Sedgwick, Detert, Moran & Arnold LLP - Austin, TX</p>
2:45 pm 0.33 hr	<p>Taking the Beaches: A Guide to Beach Regulation and Takings Law</p> <p>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.</p> <p>Kimberley Mickelson, Law Office of Kimberley Mickelson, PC - Houston, TX</p>

3:05 pm
0.33 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 Legal Department - Houston, TX

3:25 pm

Conference Adjourns