

20th Annual Land Use Conference

April 28-29, 2016 • Radisson Hotel and Suites, Austin-Downtown • Austin, TX

Thursday Morning, Apr. 28, 2016

Presiding Officer:

Camm C. "Trey" Lary III, Allen Boone Humphries Robinson LLP - Austin, TX

8:00 am	<p>Registration Opens</p> <p>Includes continental breakfast.</p>
8:50 am	<p>Welcoming Remarks</p>
9:00 am 1.00 hr	<p>What's New: Cases and Legislation</p> <p>Survey recent cases and state legislation affecting land use regulation in Texas, taking a special look at regulatory "takings" and immunities from liability.</p> <p>James L. Dougherty Jr., Attorney at Law - Houston, TX</p>
10:00 am 0.75 hr	<p>Using Public Incentives to Stimulate Private Development</p> <p>Hear dos and don'ts of underwriting or monetizing economic development agreements. Enforcement issues, remedies, defenses to enforcement, and sovereign immunity are discussed.</p> <p>Habib H. Erkan Jr., Denton, Navarro, Rocha, Bernal, Hyde & Zech, P.C. - San Antonio, TX T. Daniel Santee II, Denton, Navarro, Rocha, Bernal, Hyde & Zech, P.C. - San Antonio, TX</p>
10:45 am	<p>Break</p>
11:00 am 1.00 hr 0.25 hr ethics	<p>Economic Development Agreements</p> <p>The use of economic incentives by cities and developers has become an integral part of major development projects in Texas. It is imperative for attorneys representing both cities and developers to understand the tools in the economic development tool box as well as common issues that surface during incentive negotiations. Discover the statutory basis, procedure, and negotiation issues regarding economic development agreements for development projects located in Texas.</p> <p>William S. Dahlstrom, Jackson Walker LLP - Dallas, TX Peter G. Smith, Nichols, Jackson, Dillard, Hager & Smith L.L.P. - Dallas, TX</p>
12:00 pm 0.75 hr	<p>Municipal Regulation in the ETJ: <i>Lakewood Village v. Bizios</i></p> <p>Engage in a lively discussion framed by <i>Lakewood Village v. Bizios</i> on the authority of all Texas cities, home rule and general law, to regulate development in the ETJ.</p> <p>Arthur J. Anderson, Winstead PC - Dallas, TX W. Andrew Messer, Messer, Rockefeller & Fort, PLLC - Frisco, TX</p>
12:45 pm	<p>Pick Up Lunch</p> <p>Included in registration.</p>

Thursday Afternoon, Apr. 28, 2016

Presiding Officer:

Hon. Penny Redington, Austin, TX

LUNCHEON PRESENTATION

1:05 pm 1.00 hr ethics	Municipal Codes of Ethics Learn about municipal codes of ethics—including their rationale and pitfalls, relationship to statutory Texas law, and suggested procedural safeguards—and see how these relationships play out through a case study on an ethics investigation. George A. Staples Jr., Taylor, Olson, Adkins, Sralla & Elam, L.L.P. - Fort Worth, TX
2:05 pm	Break
2:20 pm 0.50 hr 0.25 hr ethics	Contracts with Government Entities: Fundamentals and Ethical Considerations in Contracting Public entities have many options for contracting with private entities and individuals. As these options have grown and developed in recent years, the manner of dealing with public owners is changing. Understanding the methods available for contracting and the ethical considerations from both the public and private sectors is essential. Jeffrey S. Chapman, The Chapman Firm - Austin, TX
2:50 pm 0.75 hr	Negotiation of Development Agreements from the Developer and Municipal Perspectives Assess key issues and options for negotiating development agreements, including a brief examination of the <i>Shavano</i> case. Alan J. Bojorquez, Bojorquez Law Firm, PC - Austin, TX Henry H. Gilmore, DuBois, Bryant & Campbell, LLP - Austin, TX
3:35 pm	Break
3:45 pm 0.50 hr	The Role of EB-5 Financing in Development Review the basics of EB-5 lending in the development context, including the statutory basis for the program, the job creation requirement, the expected timeline from beginning to funding, the need for local government support, and a look at common compliance issues. Brenda N. McDonald, Messer, Rockefeller & Fort, PLLC - Frisco, TX
4:15 pm 0.75 hr	PID/TIRZ in the City Using real-life examples, explore the advantages and disadvantages of cities funding public improvements and development using Public Improvement Districts (PIDs)/Tax Increment Reinvestment Zones (TIRZs). R. R. "Tripp" Davenport III, FMSbonds, Inc. - Dallas, TX Julie Y. Fort, Messer, Rockefeller & Fort, PLLC - Frisco, TX

5:00 pm 0.50 hr	<p>TxDOT Turnback Program and Urban Thoroughfares</p> <p>Examine the shifting focus of TxDOT on urban thoroughfares, the turnback program, and related complementary rezoning to reinvent and better activate state highways in urban contexts. Explore what new requirements and new opportunities come with these changes.</p> <p>E. Scott Polikov, Gateway Planning Group, Inc. - Dallas, TX</p>
5:30 pm	Adjourn

Friday Morning, Apr. 29, 2016

Presiding Officer:

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

7:30 am	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p>
8:30 am 0.50 hr	<p>TWDB Program Update</p> <p>Hear an update on agency initiatives and programs, including the State Water Implementation Revenue Fund for Texas and the 2017 State Water Plan.</p> <p>Bech K. Bruun, Chairman, Texas Water Development Board - Austin, TX</p>
9:00 am 0.75 hr	<p><i>Harris County Flood Control Dist. v. Kerr</i></p> <p>Did <i>Kerr</i> change the law on government takings? Explore the impact of <i>Kerr</i> on local governments, developers, flooded property owners, and engineers. Get an engineer's perspective on how drainage/flooding really works and review rough proportionality determinations post-<i>Kerr</i>.</p> <p>Truman C. Edminster, EHRA - Houston, TX Charlie F. McNabb, City of Georgetown - Georgetown, TX Reid C. Wilson, Wilson, Cribbs & Goren, P.C. - Houston, TX</p>
9:45 am	Break
10:00 am 0.50 hr	<p>Finally, Something the Supreme Court Agrees On: <i>Reed v. Town of Gilbert</i></p> <p>Review the U.S. Supreme Court's recent 9-0 opinion from <i>Reed v. Town of Gilbert, Arizona</i>, 576 U.S. ____ (2015) and discover why the Town of Gilbert's sign code regulations ultimately failed to survive strict scrutiny analysis.</p> <p>Christopher L. Nichols, The Nichols Firm, PLLC - Houston, TX</p>
10:30 am 0.75 hr	<p>Easements: From Acquisition to Termination</p> <p>Easements are far from easy. Gain a better understanding of the variety and life cycle of easements, including methods of acquisition; defining, describing, and distinguishing types of easements; dedicatory language; uses and/or exclusivity; and recording, modifying, and/or terminating easements.</p> <p>Barbara A. Boulware-Wells, Knight & Partners - Austin, TX Aisha Nawaz Hagen, Pedernales Electric Cooperative, Inc. - Johnson City, TX</p>

11:15 am 1.00 hr	<p>The Intersection of the Americans with Disabilities Act and Municipal Zoning</p> <p>Persons suffering from drug, alcohol, and other addictive behaviors are often members of a protected class under the Americans with Disabilities Act and the Rehabilitation Act. Hear recent developments among the courts regarding the application of federal disability law, and learn how municipal zoning is being affected.</p> <p>Cobby A. Caputo, Bickerstaff Heath Delgado Acosta LLP - Austin, TX Gunnar Seaquist, Bickerstaff Heath Delgado Acosta LLP - Austin, TX Steven H. Weller, Bickerstaff Heath Delgado Acosta LLP - Austin, TX</p>
12:15 pm	<p>Pick Up Lunch</p> <p>Included in registration.</p>

Friday Afternoon, Apr. 29, 2016

Presiding Officer:

Alan J. Bojorquez, Bojorquez Law Firm, PC - Austin, TX

LUNCHEON PRESENTATION

12:35 pm 0.75 hr	<p>Sharing Economy: Short-Term Rentals</p> <p>Short-term rentals have challenged traditional zoning codes and pitted neighbors against visitors. Analyze the issues and hear practical pointers when passing new land use regulations to address short-term rentals in your community.</p> <p>Cindy J. Crosby, City of Austin - Austin, TX Patricia L. Link, City of Austin - Austin, TX</p>
1:20 pm	<p>Break</p>
1:35 pm 0.75 hr	<p>Regulation of Historic Preservation</p> <p>Explore the legal challenges and constitutional principles related to historic preservation regulation, including discussions of regulatory takings, RLUIPA, federal standards, and drafting tips for local ordinances.</p> <p>Omar Izfar, City of Houston - Houston, TX</p>
2:20 pm 0.50 hr	<p>TOMA and TORA: What to Do Tomorrow? Land Use Practice under the Texas Open Meetings Act and the Texas Open Records Act</p> <p>When working within or for a governmental entity in the area of land use, meetings, paperwork, and controversy abound. Uncover the most common issues that come up with land use vis-à-vis the Texas Open Meetings Act and the Texas Public Information Act.</p> <p>John A. Haislet, City of College Station - College Station, TX Mary Ann Powell, City of College Station - College Station, TX</p>

2:50 pm
1.00 hr ethics

Revolving Door and State Bar Rules

In the past year, new laws have taken effect imposing additional reporting requirements on those seeking to do business with governmental entities. Failure to properly disclose can have serious consequences on contracts, as well as ethical consequences for attorneys. Learn about the new requirements, how they are being implemented, and what they mean for you and your clients.

Ross Fischer, Gober Group, PLLC - Austin, TX

3:50 pm

Adjourn