

# 25<sup>th</sup> Annual Land Use Conference

## April 15-16, 2021 • Live Webcast

### Thursday Morning, Apr. 15, 2021

**Presiding Officer:**

**Hon. Penelope Graves Redington**, Austin, TX

8:20 am	<b>Welcoming Remarks</b>
8:30 am 0.50 hr	<p><b>Case Law Updates: Part 1</b></p> <p>Rapid review of recent land-use cases, with updates on short-term rentals, retroactivity/vested rights, ripeness/exhaustion, takings, billboards, historic preservation and more.</p> <p>James L. Dougherty Jr., Attorney at Law - Houston, TX</p>
9:00 am	<b>10-minute break</b>
9:10 am 0.75 hr	<p><b>Legislative Update on Land Use Issues for Cities &amp; Counties</b></p> <p>Hear a moderated panel discussion on pending land use legislation of interest to cities and counties.</p> <p>Moderator: Alan J. Bojorquez, Bojorquez Law Firm, PC - Austin, TX</p> <p>Panelists: Richard A. Crow, Clark Hill Strasburger - Houston, TX Tom Nuckols, Travis County Attorney's Office - Austin, TX</p>
9:55 am	<b>Break</b>
10:05 am 0.75 hr	<p><b>Code Enforcement Today: Addressing Nuisances and Substandard Properties in a Pro-Property Rights State</b></p> <p>As cities face increasing pressures from citizens to address nuisance properties, like party houses and short-term rentals, this presentation will discuss the current legal landscape which poses challenges to code enforcement's efforts. Additionally, this presentation will look at other options to improve quality of life in neighborhoods by addressing secondary effects of nuisance properties and getting back to the basics of substandard building regulations.</p> <p>Janet Marie Spugnardi, City of Irving City Attorney's Office - Irving, TX</p>
10:50 am	<b>Break</b>
11:00 am 1.00 hr	<p><b>The Unique Nature of Land Development in the ETJ</b></p> <p>How cities, counties and developers are addressing issues related to development outside of the city limits.</p> <p>Moderator: Arthur J. Anderson, Winstead PC - Dallas, TX</p> <p>Panelists: Margaret Wallace Brown, City of Houston - Houston, TX Cheryl Williams, Collin County Commissioners Court - McKinney, TX</p>

12:00 pm | **Break for Lunch - Presentations Resume at 12:30 p.m.**

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## **Thursday Afternoon, Apr. 15, 2021**

### **Presiding Officer:**

**Joseph J. Gorfida Jr.**, Dallas, TX

### **Luncheon Presentation**

12:30 pm | **Rice's Ion Innovation District in Midtown Houston**  
0.50 hr

An overview of Rice University's investment in developing a mixed-use, inclusive, and integrated district focused on being a hub of new economic opportunities for Houston.

Ryan LeVasseur, Rice Management Company - Houston, TX

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1:00 pm | **Break**

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1:10 pm | **Financing Public Infrastructure via Special Districts: The Domino Effect.**  
0.75 hr

An overview of MUDS, PIDS and other special districts in Texas commonly requested by developers to finance public infrastructure, and a discussion of the City and County considerations when reviewing these applications, including the intersection between review and approval of special districts and other required approvals such as zoning and platting.

Julie Houston, Orrick, Herrington & Sutcliffe LLP - Austin, TX  
Skye Masson, City of Georgetown - Georgetown, TX

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1:55 pm | **Break**

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2:05 pm | **Land Development Toolbox for Small Towns**  
0.50 hr

This topic will address the unique aspects of planning and funding land development outside urban areas, from both developer and municipal perspectives.

Tad Holland Cleaves, Texas Municipal League - Austin, TX

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2:35 pm | **Break**

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2:45 pm | **Hot Topics in Affordable Housing**  
0.50 hr

A quick overview of current issues and innovations in affordable housing in Texas, including public facility corporations, land development code reforms, and community land trusts.

Heather K. Way, University Of Texas School Of Law - Austin, TX

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3:15 pm | **Break**

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3:25 pm 0.50 hr	<p><b>Updates on Current Law on Group Homes</b></p> <p>Updating current law on group homes and residential treatment facilities in residential zoned areas, with emphasis on Fair Housing Act/ADA implications.</p> <p>William M. McKamie, Taylor Olson Adkins Sralla &amp; Elam LLP - San Antonio, TX</p>
3:55 pm	<b>Break</b>
4:05 pm 0.50 hr	<p><b>Keynote Address from the Texas Land Commissioner</b></p> <p>Join us for a keynote address from Land Commissioner, George P. Bush.</p> <p>George P. Bush, Texas Land Commissioner, Texas General Land Office - Austin, TX</p>
4:35 pm	<b>Adjourn</b>

## Friday Morning, Apr. 16, 2021

### Presiding Officer:

**Robert F. Brown**, Brown & Hofmeister, L.L.P. - Richardson, TX

8:30 am 0.75 hr	<p><b>COVID 19 Impacts: How Does/Did Impact Land Use Development</b></p> <p>Emerging Trends in Land Use Development from COVID-19: How has it affected development and land use and how have developers, and cities, responded.</p> <p>William S. Dahlstrom, Jackson Walker LLP - Dallas, TX Barry Hand, Gensler - Dallas, TX</p>
9:15 am	<b>Break</b>
9:25 am 0.50 hr	<p><b>Case Law Updates: Part 2</b></p> <p>Rapid review of recent land-use cases, with updates on short-term rentals, retroactivity/vested rights, ripeness/exhaustion, takings, billboards, historic preservation and more.</p> <p>James L. Dougherty Jr., Attorney at Law - Houston, TX</p>
9:55 am	<b>Break</b>
10:05 am 0.50 hr	<p><b>Sign Regulation after Reagan v. City of Austin: Changes to the Sign Landscape</b></p> <p>The question of constitutional limitations on sign regulation has continued to increase since Reed v. Town of Gilbert, including the issue of off-premise v. on-premise signage delineated in Reagan v. City of Austin. Practical applications surrounding different types of regulations including commercial v. non-commercial, size, location, and sign type will be reviewed in this session.</p> <p>Laura Mueller, City of Dripping Springs - Dripping Springs, TX</p>
10:35 am	<b>Break</b>

10:45 am 0.50 hr	<p><b>Short Term Rentals</b></p> <p>A review of short term rental case law and update on short term rental discussions in Dallas.</p> <p>Anna Lamberti Holmes, The City of Dallas - Office of the City Attorney - Dallas, TX</p>
11:15 am	<p><b>Break</b></p>
11:25 am 0.75 hr	<p><b>Municipal Regulation of Governmental Uses</b></p> <p>This topic addresses the extent to which municipalities may regulate uses of property by the federal government, the State of Texas, counties and school districts, including charter schools. Besides a legal overview, the presentation will include practical advice on how cities may regulate (or attempt to regulate!) other governmental uses of property within a city.</p> <p>Tommy Ludwig, City of Waxahachie - Waxahachie, TX Terrence S. Welch, Brown &amp; Hofmeister, L.L.P. - Richardson, TX</p>
12:10 pm	<p><b>Break for Lunch - Presentations Resume at 12:40 p.m.</b></p>

## Friday Afternoon, Apr. 16, 2021

### Presiding Officer:

**Melinda Ramos**, City of Fort Worth - Fort Worth, TX

### Luncheon Presentation

12:40 pm 0.75 hr ethics	<p><b>Conducting Land Transactions in the Cloud: Tips for Protecting Confidential Information and Information That May be Subject to the Public Information Act</b></p> <p>In the area of land use, there are plenty of documents that are shared by attorneys, municipal governments and consultants through DropBox, Google Drive and other Cloud based systems. Since early 2019, Texas attorneys must comply with the ethical duty of the technology competence which means that, in addition to the duty of confidentiality and the attorney client privilege, we must meet a higher standard for protecting client data. This session will discuss tools and best practices for satisfying this higher standard such as controlling access and adding security controls to protect the material from being accessed by invalid users. Further, review practical and effective safeguards to prevent wire transfer fraud in the context of large amounts of money being wire transferred in real estate transactions.</p> <p>Prabha Cinclair, Miklos Cinclair Law, PLLC - Farmers Branch, TX Elizabeth Rogers, Michael Best &amp; Friedrich LLP - Austin, TX</p>
1:25 pm	<p><b>Break</b></p>
1:35 pm 0.75 hr	<p><b>Shot Clocks, Building Materials, and the Death of Annexation</b></p> <p>This session will review several bills from the 86th Legislature affecting land development and planning, updates from the 87th Legislature, and how cities have adapted; the third amendment to the Annexation Act in as many sessions, the imposition of approval "shot clock" on applications other than subdivision plats, and preemption of regulations on building material.</p> <p>Kimberley Mickelson, City of Houston Legal Department - Houston, TX</p>

2:20 pm	<b>Break</b>
2:30 pm 0.75 hr	<p data-bbox="264 212 915 243"><b>Religious Institutions: Special Use/Special Protection</b></p> <p data-bbox="264 268 1487 327">Federal protection under RLUIPA and Texas protection under TRFRA are now over 20 years old, so a review of these special land use protections of religious use is timely.</p> <p data-bbox="264 352 915 384">Reid C. Wilson, Wilson, Cribbs + Goren, P.C. - Houston, TX</p>
3:15 pm	<b>Break</b>
3:25 pm 1.00 hr ethics	<p data-bbox="264 510 670 541"><b>Ethics Issues and the Legislature</b></p> <p data-bbox="264 567 1487 653">Every attorney should know the answer to the question, "Who do I work for?" In his presentation, Jon Heining will explore how difficult it is for legislative attorneys to answer this question. In addition, Jon will discuss some general considerations that every attorney should consider when working with legislators and legislative staff.</p> <p data-bbox="264 678 824 709">Jon Heining, Texas Legislative Council - Austin, TX</p>
4:25 pm	<b>Adjourn</b>