

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Special Meeting

January 4, 1971

9:00 A.M.

COUNCIL CHAMBER, CITY HALL

The meeting was called to order with Mayor LaRue presiding.

## Roll Call:

Present: Councilmen Johnson, MacCorkle, Price, Mayor LaRue

Absent: Councilmen Atkison, Gage, Janes

Mayor LaRue announced that this was a Special Meeting called for the purpose of hearing and acting on tax appeals.

At 9:00 A.M. the Council heard the following Tax Appeal:

Dalton Hielscher, Sr.		Full Value by the Tax Dept. 1969	Full Value by the Tax Dept. 1970	Assessed Value by Tax Dept.	Value Rendered by Owner	Assessed Value Fixed by Board
6201 Belfast Dr.						
Lot 4, Block D,						
Meadowbrook	Land	\$ 2,045	\$ 3,719	\$ 2,790	Not	\$ 2,790
Section 1	Improvements	<u>8,802</u>	<u>10,186</u>	<u>7,640</u>	Signed	<u>7,640</u>
Parcel No.						
2-2517-0802	Total	\$10,847	\$13,905	\$10,430		\$10,430

Mr. Dalton Hielscher, Sr. believed that greater tax equality would be achieved by computerization at reduced cost to the City. There was discussion concerning ways to reform the system. Mr. Jack Klitgaard, Tax Assessor-Collector, described the basis for the assessment on this property. Councilman Price favored tax assessments made on all property every year, rather than every four years.

Councilman MacCorkle moved that the Council sustain the value set by the Board of Equalization as follows:

Dalton Hielscher, Sr.		Assessed Value Fixed by Board	Council Action
6201 Belfast Dr.			
Lot 4, Block D,			
Meadowbrook Section 1			
Parcel No. 2-2517-0802	Land	\$ 2,790	\$ 2,790
	Improvements	<u>7,640</u>	<u>7,640</u>
	Total	\$10,430	\$10,430

The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, MacCorkle, Price, Mayor LaRue  
 Noes: None  
 Absent: Councilmen Atkison, Gage, Janes

#### APPEALS POSTPONED

Mayor LaRue noted that the following Tax Appeal hearings would be postponed, in accord with the request of Mr. James Sloan, for a full Council:

A. L. HILL AND B. O. BOZEMAN, by James Sloan  
 R. E. AUSTIN CORPORATION, by James Sloan  
 VIRGIL F. AND FRANK BOMAR, by James Sloan

Mayor LaRue also noted that the following Tax Appeal hearing would be postponed:

C. B. SMITH, JR., by Rogan Giles

#### APPEAL WITHDRAWN

Mayor LaRue noted that the following Tax Appeal had been withdrawn:

HAROLD L. HEMINGSON

RECESSED MEETING

11:00 A.M.

#### APPEALS HEARD

At 11:00 A.M. the Council heard the following Tax Appeal:

Mrs. Gladys F. Cavett		Full Value	Full Value	Assessed	Value	Assessed
		by the Tax	by the Tax	Value by	Rendered	Value Fixed
1309 West 34th St.		<u>Dept. 1969</u>	<u>Dept. 1970</u>	<u>Tax Dept.</u>	<u>by Owner</u>	<u>by Board</u>
Lot 5, George A.						
Freund	Land	\$ 4,281	\$35,679	\$26,760	\$3,210	\$26,760
Parcel No.	Improvements	<u>7,735</u>	<u>8,612</u>	<u>6,460</u>	<u>5,800</u>	<u>6,460</u>
2-1901-0102						
	Total	\$12,016	\$44,291	\$33,220	\$9,010	\$33,220

Mrs. Peggy Cavett Walden objected to the valuation of this property at \$2.00 per square foot, as it was currently residential in character and zoning. She believed that the appraisal was premature at this time, although it might be appropriate should the property be sold and developed commercially. Mr. Klitgaard noted the sales of 26 parcels of property in this area to one buyer and the sale prices.

Mr. Wayne DeBehnke suggested that it would be to the City's advantage not to increase the assessment on the property at this time so that commercial development would not be deterred. Ms. Nell Mapes, Mrs. Cavett's niece, spoke in favor of lowering the assessment.

Councilman MacCorkle moved that the Council sustain the value set by the Board of Equalization and set the assessed value at \$33,220. The motion, seconded by Councilman Johnson, failed to carry by the following vote:

Ayes: Councilmen Johnson, MacCorkle, Mayor LaRue  
 Noes: Councilman Price  
 Absent: Councilmen Atkison, Gage, Janes

Councilman Price moved that the full value of the land in this parcel be adjusted to \$1.35 per square foot. The motion, died for lack of a second.

Mayor LaRue announced that the hearing would be recessed until more Council members could be present.

RECESSED MEETING

1:10 P.M.

The Council meeting was reconvened at 1:10 P.M. with Mayor LaRue presiding.

Roll Call:

Present: Councilmen Gage, Johnson, MacCorkle, Price, Mayor LaRue  
 Absent: Councilmen Atkison, Janes

The Council heard the following Tax Appeals:

Mrs. May F. Dear		Full Value by the Tax Dept. 1969	Full Value by the Tax Dept. 1970	Assessed Value by Tax Dept.	Value Rendered by Owner	Assessed Value Fixed by Board
3104 Wabash Ave. 70 x 220 feet						
George W. Spear	Land	\$ 3,246	\$30,800	\$23,100	Not	\$20,210
League	Improvements	<u>9,702</u>	<u>10,210</u>	<u>7,660</u>	Signed	<u>7,660</u>
Parcel No. 2-1901-0123	Total	\$12,948	\$41,010	\$30,760		\$27,870

Mrs. May Dear objected that the increase in valuation was too high. Ms. Nell Mapes, Mrs. Dear's daughter, supported this claim. Mr. Klitgaard stated that the land only had been valued at \$2.00 per square foot, consistent with the market value of other land in the area. It was noted that the Board of Equalization had adjusted this to \$1.75 per square foot. Councilmen Johnson and MacCorkle expressed reservations about making adjustments for this particular piece of property without doing the same for other properties in the area.

Councilman Gage moved that the full value of the land property in this parcel be adjusted to \$1.50 per square foot. The motion, seconded by Councilman Price, failed to carry by the following vote:

Ayes: Councilmen Gage, Price  
 Noes: Councilmen Johnson, MacCorkle, Mayor LaRue  
 Absent: Councilmen Atkison, Janes

Discussion ensued between the Council and Mr. Klitgaard as to the authority of the Council in making adjustments for specific cases only.

Mayor LaRue announced that the hearing would be recessed for a full Council.

Mayor LaRue also noted that the Council had no authorization to consider the property of May F. Dear at 1100 W. 31st Avenue, as no appeal of the Board of Equalization's decision on it had been filed with the City Clerk.

		Full Value	Full Value	Assessed	Value	Assessed
		by the Tax	by the Tax	Value by	Rendered	Value Fixed
		<u>Dept. 1969</u>	<u>Dept. 1970</u>	<u>Tax Dept.</u>	<u>by Owner</u>	<u>by Board</u>
Mrs. Peggy Cavett Walden						
3300 Block Old Bull						
Creek Road						
Lot 2, George A.	Land	\$4,290	\$43,000	\$32,250	\$3,220	\$28,220
Freund	Improvements	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Subdivision						
Parcel No.	Total	\$4,290	\$43,000	\$32,250	\$3,220	\$28,220
2-1901-0127						

Mrs. Peggy Cavett Walden objected to an approximate 800% increase in assessed value on this property. She objected to an assessment on commercial values as this property had been and would remain residential in character and zoning. She presented figures on the offers which had been made for the land and the conditions attached to those offers including sale of the adjoining property which was a family estate. She presented a report delineating sale prices on other properties gathered from Tax Department information. There was considerable discussion of the breakdown of these sale prices for land and for improvements.

Mrs. Walden stated that land north of 38th Street should be valued higher than land south of 34th Street. She believed that land south of 34th Street had been valued excessively high when the zoning and usage had not changed. She believed that the 50¢ per square foot valuation of residential land south of 31st Street and north of 38th Street was a just and fair valuation, and that residential property south of 34th Street should also be valued at 50¢ per square foot.

Mr. Klitgaard defended the appraisal on the basis of highest and best use, regardless of the property's present use and zoning, as dictated by the market, which had been set at \$1.75 per square foot by the Board of Equalization. Offers for buying the land had not been used as a basis for the appraisal. There was discussion as to the boundaries of the area in which the buyer of 26 other properties in the area was interested. Councilman Price expressed concern that the assessments made might be forcing owners of residences to sell to developers. Mrs. Walden believed that the appraisal which might be appropriate for commercial development was premature at this time. There was further discussion of the location of the 26 properties purchased by one buyer.

Councilman Price moved that the full value of the property in this parcel be adjusted to \$1.50 per square foot. The motion, seconded by Councilman Gage, failed to carry by the following vote:

Ayes: Councilmen Gage, Price  
 Noes: Councilmen Johnson, MacCorkle, Mayor LaRue  
 Absent: Councilmen Atkison, Janes

Councilman MacCorkle moved that the Council sustain the value set by the Board of Equilization and set the assessed value at \$28,220. The motion, seconded by Councilman Johnson, failed to carry by the following vote:

Ayes: Councilmen Johnson, MacCorkle, Mayor LaRue  
 Noes: Councilmen Gage, Price  
 Absent: Councilmen Atkison, Janes

Mayor LaRue announced that the hearing would be recessed for a full Council.

		Full Value by the Tax Dept. 1969	Full Value by the Tax Dept. 1970	Assessed Value by Tax Dept.	Value Rendered by Owner	Assessed Value Fixed by Board
Mrs. Cavett DeBehnke by Wayne DeBehnke						
West 33rd St.						
Lot 3, George A. Land		\$3,444	\$29,640	\$22,230	\$2,580	\$22,230
Freund Improvements		0	0	0	0	0
Subdivision						
Parcel No. Total		\$3,444	\$29,640	\$22,230	\$2,580	\$22,230
2-1901-0114						

Mr. Wayne DeBehnke stated that the Tax Department's appraisal of market value presumed willing buyers and sellers and there was no willing seller for the property in question. The buyer of properties in the area, referred to in the previous discussions, had not indicated an interest in this specific property. Councilman Johnson noted that this property had little street frontage and should probably be valued lower accordingly. Mr. Klitgaard did not believe this was an important consideration to the prospective buyer and that appraisal of fair market value did not require the existence of willing buyer and seller.

Councilman MacCorkle moved that the full value of the property in this parcel be adjusted to \$1.50 per square foot. The motion died for lack of a second.

Councilman Gage moved that the full value be adjusted to \$1.25 per square foot and that the Council set the assessed value of the property as follows:

		Assessed Value Fixed by Board	Council Action
Mrs. Cavett DeBehnke, by Wayne DeBehnke			
West 33rd Street			
Lot 3, George A. Freund Subdivision			
Parcel No. 2-1901-0114			
	Land	\$22,230	\$13,890
	Improvements	0	0
	Total	\$22,230	\$13,890

The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Gage, Johnson, MacCorkle, Price  
 Noes: Mayor LaRue  
 Absent: Councilmen Atkison, Janes

Councilman Johnson noted that he was voting "Aye" because he believed that limited access lowered the value of this property.

At this time the Council reopened the hearing on the following Tax Appeal recessed from the morning session:

Mrs. Gladys F. Cavett	Full Value by the Tax Dept. 1969	Full Value by the Tax Dept. 1970	Assessed Value by Tax Dept.	Value Rendered by Owner	Assessed Value Fixed by Board
1309 West 34th Street					
Lot 5, George A. Freund					
Parcel No.	Land				
	Improvements				
2-1901-0102					
	Total				

Mrs. Gladys Cavett objected to a three-fold increase in her assessment and tax. She expressed her concern about being forced to move out of her home and felt that she should not now be taxed for something that did not yet exist. It was noted that the appraisal set averaged \$1.98 per square foot.

Councilman Johnson moved that the full value of the improvements remain set at the 1969 level and that the Council sustain the value set by the Board of Equalization on the land and set the assessed value on the land at \$26,760. The motion, seconded by Councilman MacCorkle, failed to carry by the following vote:

Ayes: Councilmen Johnson, MacCorkle, Mayor LaRue  
 Noes: Councilmen Gage, Price  
 Absent: Councilmen Atkison, Janes

Councilman Gage moved that the full value of the improvements remain set at the 1969 level and that the full value of the land be adjusted to \$1.85 per square foot. The motion, seconded by Councilman Price, failed to carry by the following vote:

Ayes: Councilmen Gage, Price  
 Noes: Councilmen Johnson, MacCorkle, Mayor LaRue  
 Absent: Councilmen Atkison, Janes

Mayor LaRue announced that the hearing would be recessed for a full Council.

Austin Baking Co. by Robert McCreary		Full Value by the Tax Dept. 1969	Full Value by the Tax Dept. 1970	Assessed Value by Tax Dept.	Value Rendered by Owner	Assessed Value Fixed by Board
5800 Airport Blvd.						
12.89 acres James	Land	\$222,681	\$ 701,860	\$526,400	\$167,010	\$503,900
P. Wallace	Improvements	<u>319,193</u>	<u>318,252</u>	<u>238,690</u>	<u>239,390</u>	<u>238,690</u>
Survey						
Parcel No.	Total	\$541,874	\$1,020,112	\$765,090	\$406,400	\$742,590
2-2610-0303						

Mr. Robert McCreary did not challenge the appraisal made on the basis of fair market value, but he objected to the quadrant system of taxation. A change would save much time wasted. He noted that a lawsuit was currently in progress and urged the Council to go into Executive Session to consider tax reform. Mayor LaRue did not believe it had yet been demonstrated that any other system would improve the taxpayers' situation, particularly with regard to the operating costs of the Tax Department. Councilman Price believed the quadrant system should and would be replaced. Councilman Johnson believed it would be questionable to change the present system until the lawsuit pending was settled, but he felt that there was a better system.

Councilman Johnson moved that the Council sustain the value set by the Board of Equalization as follows:

Austin Baking Co., by Robert McCreary		Assessed Value Fixed by Board	Council Action
5800 Airport Blvd.			
12.89 acres James P. Wallace	Land	\$503,900	\$503,900
Survey	Improvements	<u>238,690</u>	<u>238,690</u>
Parcel No. 2-2610-0303			
		Total \$742,590	\$742,590

The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes:	Councilmen Johnson, MacCorkle, Price, Mayor LaRue
Noes:	None
Present But Not	
Voting:	Councilman Gage
Absent:	Councilmen Atkison, Janes

#### APPEAL WITHDRAWN

City Manager Andrews noted that the following Tax Appeal had been withdrawn:

MOBIL OIL CORPORATION, by Glenn Dunn

## APPEALS HEARD

Ordell Dube		Full Value by the Tax Dept. 1969	Full Value by the Tax Dept. 1970	Assessed Value by Tax Dept.	Value Rendered by Owner	Assessed Value Fixed by Board
5114 Waterbrook Dr.						
Lot 2, Block G,						
Windsor Park3,	Land	\$1,746	\$ 2,777	\$2,080	Not	\$2,080
Section 1	Improvements	<u>7,098</u>	<u>7,788</u>	<u>5,840</u>	Signed	<u>5,840</u>
Parcel No.						
2-1819-0624	Total	\$8,844	\$10,565	\$7,920		\$7,920

Mr. Ordell Dube stated that there was a creek whose flow was caving off a portion of his property, and he believed that this affected the fair market value of the property. He had been trying to get the City to remedy this condition. Mayor LaRue asked the City Manager to examine this situation. Mr. Klitgaard noted the amounts of recent sales on this street. He stated that the loss of a few feet of land would have a negligible impact on the amount of tax levied. Councilman Gage noted that the Mayor would instruct the City Manager to attend to the matter of the creek undermining the property and asked Mr. Dube to report back to the Council if the situation was not corrected.

Councilman Gage moved that the Council sustain the value set by the Board of Equalization as follows:

Ordell Dube		Assessed Value Fixed by Board	Council Action
5114 Waterbrook Dr.			
Lot 2, Block G,			
Windsor Park 3, Section 1	Land	\$2,080	\$2,080
Parcel No. 2-1819-0624	Improvements	<u>5,840</u>	<u>5,840</u>
	Total	\$7,920	\$7,920

The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Gage, Johnson, MacCorkle, Price, Mayor LaRue  
 Noes: None  
 Absent: Councilmen Atkison, Janes

Chevy Chase Center by James C. Motley		Full Value by the Tax Dept. 1969	Full Value by the Tax Dept. 1970	Assessed Value by Tax Dept.	Value Rendered by Owner	Assessment Value Fixed by Board
Hwy. 183, Lots B,						
D, F and H	Land		\$666,720	\$500,040	Signed	\$500,040
Chevy	Improvements		<u>0</u>	<u>0</u>		<u>0</u>
Chase Center						
of Austin	Total		\$666,720	\$500,040		\$500,040
Parcel No. 2-3215-0105						
	Land	\$21,480	\$ 53,700	\$ 40,280	Not	No Appeal
Vacant	Improvements	<u>0</u>	<u>0</u>	<u>0</u>	Signed	
5.37 acres James						
P. Wallace Survey	Total	\$21,480	\$ 53,700	\$ 40,280		
Parcel No. 2-3215-0106						



Mr. James C. Motley stated that the 70% increase in taxes would impede the development of a proposed \$20 million park. He wanted to know if they could count on no further increase in valuation for the next four years. Councilman Johnson felt that the lawsuit to which Mr. Motley was a party undermined the ability to predict that the quadrant system would remain unchanged.

Councilman Price moved that the Council sustain the value set by the Board of Equalization as follows:

Chevy Chase Center, by James C. Motley		Assessed	
Hwy. 183		Value Fixed	
Lots B, D, F and H		by Board	Council Action
Chevy Chase Center of Austin		Land	\$500,040
Parcel No. 2-3215-0105		Improvements	0
Total		\$500,040	\$500,040

The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes:	Councilmen Johnson, MacCorkle, Price, Mayor LaRue
Noes:	None
Present But Not	
Voting:	Councilman Eage
Absent:	Councilman Atkison, Janes

#### MEETING SET

After Discussion, Mayor LaRue announced that a Special Meeting would be held on January 12, at 9:00 A.M. to hear Tax Appeals, if acceptable to the other members of the Council.

#### ADJOURNMENT

The Council then adjourned.

APPROVED: \_\_\_\_\_ Mayor

ATTEST: \_\_\_\_\_  
City Clerk