

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
April 13, 2011**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, April 13, 2011 at 9:00 a.m. in the Council Chamber, City Hall, Tyler, Texas, with the following present:

Mayor:	Barbara Bass
Mayor Pro Tem:	Ralph Caraway
Councilmembers:	Martin Heines Donald Sanders Mark Whatley Sam Mezayek Jason Wright
City Manager:	Mark McDaniel
City Attorney:	Gary C. Landers
Deputy City Attorney:	Steve Kean
Main Street Director:	Beverly Abell
Human Resources Director:	ReNissa Wade
Development Services Engineer:	Michael Wilson
Chief Financial Officer:	Daniel Crawford
City Engineer:	Carter Delleney
City Fire Chief:	Tim Johnson
City Librarian:	Chris Albertson
City Police Chief:	Gary Swindle
Director of Planning and Zoning:	Barbara Holly
Director of Solid Waste:	Dan Brotton
Director of Vehicle Services:	Russ Jackson
Budget/Internal Auditor:	Keidric Trimble
Director of Utilities & Public Works:	Greg Morgan
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Mayor Pro Tem Caraway.

MINUTES

Motion by Mayor Pro Tem Caraway to approve the March 23, 2011 and April 6, 2011(Special Called meeting) minutes; seconded by Councilmember Sanders; motion carried 6 - 0 & approved as presented

EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1 Service Awards

We would like to recognize the following employees for their years of service and commitment to the City of Tyler. At this important milestone, we express our sincere appreciation for your dedication and for the special contribution you make to our organization. These employees represent over **41-years** of service with the City of Tyler.

April 13, 2011

Retirees - Service Awards

DATE OF HIRE:	FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:	YEARS OF SERVICE:
4/30/1990	Martha	Vargas	Sr. PST II	Police	21

Service Awards

DATE OF HIRE:	FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:	YEARS OF SERVICE:
4/1/1991	Jeffery	Rackliff	Police Sergeant II	Police	20

A-2 New Hires Recognitions

New Employees

FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:
Angel	Alejo	Engineering Technician	Engineering
Ivan	Angon	Laborer	Parks & Recreation
Lance	Meeks	Groundskeeper	Parks & Recreation
Dona	Stone	Data Management Specialist I	Police
Justin	Utley	Police Recruit	Police
Freddie	Walker	Residential Equipment Operator	Solid Waste
Armando	Chavez	Semi-Skilled Laborer	Storm Water Management
Danetris	Armstrong	Laborer	Waste Water Treatment

PUBLIC HEARINGS



H-1 APPLICATION A04-11-003 GRANDE BOULEVARD

Request that the City Council conduct a public hearing and consider public input on the proposed annexation of 30 properties along and including East Grande Boulevard, Sydney Road, and Star Road. The proposed annexation area consists of territory lying adjacent to and contiguous to the present boundary limits of the City of Tyler, approximately 98.664 acres of land located along the Grande Boulevard extension on the west side of State Highway 110, known as Abstract A0616 V Loupey Tracts 32A, 32, 33, 34; Abstract A0690 L McGuire Tracts 8E, 8, 29; 3485 and 3513 East Grande Boulevard; 13650, 13660, 13661, 13670, 13671, 13680, 13681, 13690, 13691 Sydney Road; 9800, 9810, 9820, 9821, 9830, 9831, 9840, 9841, 9850, 9851, 9861 Star Road; and 13970 State Highway 110 South.

This is the second hearing being held on this application.

RECESS

April 13, 2011

City Council recessed at 9:11 am and called the Development Authority Board Meeting to order.

CONVENE DEVELOPMENT AUTHORITY BOARD MEETING

- 1. Call to order**
- 2. Approve November 10, 2010 Minutes**

Motion by Councilmember Mezayek to approve the November 10, 2010 minutes; seconded by Mayor Pro Tem Caraway; motion carried 6 -0 & approved as presented.

Councilmember Wright enters (represented City to open seminar for Texas Workforce Commission)

- 3. Request that the Tyler Development Authority Board receive a presentation of the Downtown parking garage study authorized on November 10, 2010. (complete report is attached for review)**

Michael Civitelli and Chad Snyder, Walker Parking Consultants – Gave a brief presentation on the downtown parking garage study and presented a preliminary design to the City Council.

- 4. Request that the Tyler Development Authority Board consider authorizing the City Manager to execute a proposal from Walker Parking Consultants to provide functional design alternatives for a Downtown parking garage using available TIRZ No. 2 funding. (complete report is attached for review)**

Mark McDaniel, City Manager – Stated that this would be the next step for Council if they would like to move forward and have the Consultants come back with some options, alternatives, and cost. The fee would be used if we go into the third phase which would actually be the construction and bidding out of the project. The preliminary engineering is what City Council would be considering versus the actual design of this structure to be put out for bid which is the third phase.

Motion by Councilmember Mezayek; seconded by Councilmember Heines; motion carried 7- 0 & approved as presented.

Adjourn

April 13, 2011

Development Authority Board Meeting adjourned at 9: 35 am

RECONVENE APRIL 13, 2011, CITY COUNCIL MEETING

ORDINANCE

O-1 Request that the City Council consider adopting of an ordinance canceling the District One, District Three and District Five Elections scheduled for May 14, 2011, and declaring the unopposed candidate for single Member Districts One, Three, and Five elected to office. (O-2011-20)

Motion by Councilmember Sanders; seconded by Councilmember Wright; motion carried 7 - 0 & approved as presented.

O-2 Request that the City Council consider adopting an ordinance amending the Ethics Ordinance in Tyler City Code Chapter 1 to reconfirm that the City Council retains final authority to determine the applicability of the City ethics regulations in any given situation. (O-2011-21)

Gary Landers, City Attorney – Stated that the attached ordinance reconfirms that the City Council has the final authority to determine the applicability of the City ethics requirements in a given situation.

Motion by Councilmember Whatley; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented.

MISCELLANEOUS



M-1

Request that the City Council consider authorizing the City Manager to approve the purchase of 11.4 wetlands credits at a cost of \$168,720 (\$14,800 per credit) from Pineywoods Mitigation Bank for the Highway 69 and Interstate 20 Sanitary Sewer Improvements project. ©



Motion by Mayor Pro Tem Caraway; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.

M-2

Request that the City Council consider ratifying City staff action for the emergency replacement of the air conditioning chiller located at the Fair Foundation Building by Mosby Mechanical Company, Inc. and for the grant application and acceptance through CLEAResult for the Oncor “Take A Load Off, Texas” City matching grant program. It is also requested that the City Council consider adopting an ordinance amending the Fiscal Year 2010-2011 Budget to appropriate funds for said expenditure. (O-2011-22)

Motion by Councilmember Mezayek; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.

April 13, 2011

M-3 Request that the City Council consider authorizing the City Manager to lease one Compressed Natural Gas (CNG) fueling system from CNG Partners of Flower Mound, Texas, for \$4,160 per month. ©

Motion by Mayor Pro Tem Caraway; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented.

M-4 Request that the City Council consider authorizing the City Manager to purchase two Residential Automated Side Loader Trucks for a total purchase of \$582,960.

Motion by Councilmember Wright; seconded by Councilmember Sanders; motion carried 7 - 0 & approved as presented.

CONSENT

(These items are considered to be routine or have been previously discussed, and can be approved in one motion, unless a Council Member asks for separate consideration of an item).

C-A-1 Request that the City Council consider authorizing the City Manager to execute a lease agreement with Metro PCS Texas LLC for the installation and maintenance of a telecommunications antenna system on the City of Tyler Elevated Water Storage Tank located at 1575 East Grande. ©

C-A-2 Request that the City Council consider approving an ordinance to amend the TIRZ No. 2 budget and authorize the City Manager to execute an agreement with Walker Parking Consultants Associates for preliminary engineering services to design a Downtown parking garage. (O-2011-23)

C-A-3 Request that the City Council consider authorizing the City Manager to enter into an agreement with Oncor Electric Delivery Company in the amount of \$34,549.29 to provide roadway safety lighting for the Earl Campbell Parkway construction project. ©

Motion by Mayor Pro Tem Caraway; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.

CITY MANAGER'S REPORT

CIP Summary Update

½ cent Project Prioritization process, coming up in July 2011.

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 10:09 am

As allowed by the Texas Open Meetings Law, Chapter 551 of the Government Code, the City Council may consider the following:

April 13, 2011

-under section 551.071 "Litigation" deliberation regarding the following:

1. Contemplated litigation involving TTUC (Algonquin)
2. Contemplated litigation involving gas utility (Centerpoint)

Litigation is, by its nature, an on-going process, and questions may arise as to trial tactics, which need to be explained to the City Council. Upon occasion, the City Council may need information from the City Attorney as to the status of the pending or contemplated litigation subjects listed above

-under section 551.087 "Economic Development" deliberation regarding the following:

Possible offer of financial or other incentive to or from prospects and to consider financial and other information about prospects/projects with which the City is conducting economic development negotiations that could lead to a partnership in Tyler.

City Council reconvened in open session at 10:30 am and announced that no final action was taken in executive session. Mayor Bass thanked Councilmember Wright for his action in representing the City at a training event in Tyler earlier this morning.

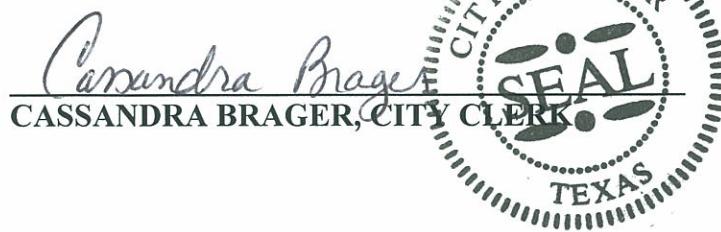
ADJOURNMENT

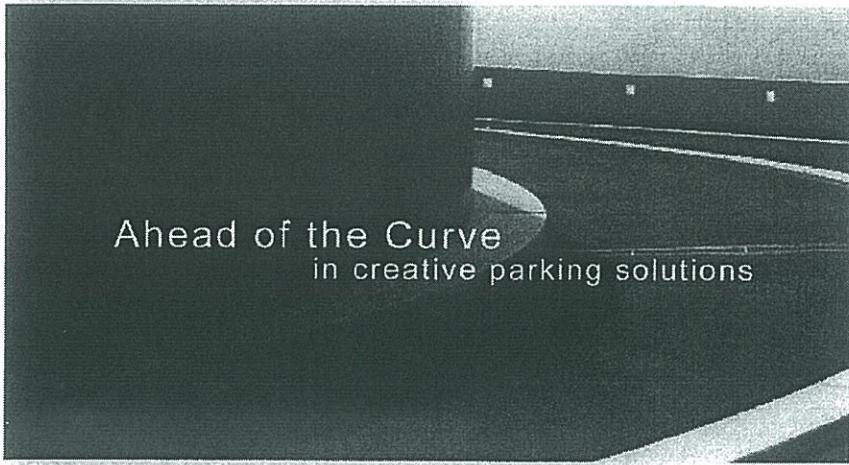
Motion by Councilmember Mezayek to adjourn the meeting at 10:31 am; seconded by Councilmember Whatley; motion carried 7 - 0 & meeting adjourned.



BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

A T T E S T:





Ahead of the Curve
in creative parking solutions

PARKING PLANNING STUDY

THE CITY OF TYLER
TYLER, TEXAS

Prepared for:
THE CITY OF TYLER

FEBRUARY 2011
FINAL



WALKER
PARKING CONSULTANTS

25-1614.00

PARKING PLANNING STUDY

THE CITY OF TYLER
TYLER, TEXAS

Prepared for:
THE CITY OF TYLER

FEBRUARY 2011



WALKER
PARKING CONSULTANTS

WALKER PARKING CONSULTANTS
17049 El Camino Real, Suite 202
Houston, Texas 77058

Voice: 281.280.0068
Fax: 281.280.0373
www.walkerparking.com

February 25, 2011

Mr. Mark McDaniel
City Manager
The City of Tyler
212 N. Bonner Avenue
Tyler, Texas 75710

Re: Parking Planning Study
Walker Project #25-1614.00

Dear Mr. McDaniel:

Walker Parking Consultants is pleased to submit the attached revised report of the Parking Planning Study for the City of Tyler. This report summarizes our findings regarding the conceptual parking plan for the downtown area.

We appreciate the opportunity to be of service to you and the City of Tyler. If you have any questions or comments, please call me at your convenience.

Sincerely,

WALKER PARKING CONSULTANTS

Michael Civitelli
Parking Consultant

Chad Snyder
Parking Consultant

Enclosure

PARKING PLANNING STUDY

TYLER, TEXAS

FEBRUARY 2011

PROJECT #25-1614.00



EXECUTIVE SUMMARY

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EXECUTIVE SUMMARY

This executive summary is provided to assist the reader in understanding some of this report's key points. However, the executive summary should not be read in lieu of the entire report, rather, the report should be read in its entirety to more completely understand the assumptions, analysis, and conclusions contained within this document.

The City of Tyler is growing. Reflecting that growth, exciting changes are occurring in the downtown area. Older buildings are being rehabilitated. New businesses are opening and new development appears imminent.

This parking study is designed to create a picture of current parking conditions, examine alternatives for supporting the creation of new parking capacity when needed and explore the financial implications of new parking investment.

The report contains:

- A supply/demand analysis
- A review of three potential sites for a new parking facility
- A financial analysis for a new parking structure

Additional recommendations are made for parking enforcement procedures, public outreach and communication and other aspects of the City's parking program.

Specifically, the report shows no current deficit in parking capacity. Parking may not always be available where someone wants it to be, but within a block or two in any direction we found vacant spaces. If near term development includes a hotel, conference center or similar business, parking demand can quickly outpace capacity.

We also found that a number of the parking spaces in the core area are occupied for long periods of time by employees of surrounding businesses. A program to incentivize employees to park one block away, for instance to the Molly Brown lot, would open spaces in the core for visitors. This would reduce any perception of a parking shortage in the near term.

PARKING PLANNING STUDY

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The City of Tyler, Texas, is currently evaluating their parking needs within its downtown central business district. To assist with the evaluation process, the City retained Walker Parking Consultants to conduct an analysis of the current and future parking supply and demand in an effort to determine the adequacy of the existing parking system. In addition to evaluating the parking supply and demand, Walker also identified several parking alternatives and a financial feasibility study for the proposed parking structure.

PURPOSE OF STUDY

The goal of this study is to determine the adequacy (supply vs. demand) of the current parking capacity in downtown Tyler as well as in the future. The information provided herein will be used to assist in parking management and master planning to determine the number of additional parking spaces required (if authorized), and the best locations to construct the additional spaces.

The City is interested in conducting a parking study to quantify the current parking needs (supply vs. demand) and the future parking needs, including any planned new developments.

The City is also interested in potential parking management solutions that discourage abuse of the parking system and improve parking space utilization.

SCOPE OF SERVICES

In order to properly address the needs of the City, Walker was authorized to perform the following Scope of Services:

INTRODUCTION

PARKING PLANNING STUDY

TYLER, TEXAS

FEBRUARY 2011

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STUDY METHODOLOGY

To complete the study objectives, Walker conducted a physical inventory of all parking spaces within the study area. The inventory was tabulated by block and categorized as either on-street, off-street, public or private. Occupancy counts were also conducted on December 8th at 9:00 AM, 11:00 AM, and 1:00 PM, resulting in a tabulation of the physical number of vehicles found utilizing the study area spaces. When comparing the supply with the observed occupancy of the parking facilities on a block-by-block basis, Walker was able to determine occupancy levels by block, and also quantify specific demand for each block.

To calculate the projected future parking demand, we reviewed the planned future developments and applied parking demand ratios. The basis of the applied demand ratios is Walker Parking Consultants' research as well as the Urban Land Institute's recommended parking demand ratios. Additions and subtractions to the supply and demand, considering both the block and development type, show how the City's parking adequacy could be impacted in the future.

DEFINITION OF TERMS

Several terms are used in this report that might be considered parking jargon and thus not readily understood by the reader. Definitions of these terms are presented below.

- *Inventory* – The total number of parking spaces counted during survey day observations within the study area.
- *Effective Supply* – The inventory adjusted by the optimum utilization factor.
- *Optimum Utilization Factor* – The occupancy rate at which a parking facility operates at peak efficiency. This factor allows patrons to spend less time looking for the last available spaces and allows for the dynamics of vehicles moving in and out of spaces. It also allows for spaces lost to poor or improper parking, derelict vehicles, and spaces lost for repair.
- *Demand* – The number of spaces required to satisfy visitor, employee and resident needs on a given day.
- *Occupancy (Counts)* – The number of vehicles observed parked on a survey day.
- *Parking Adequacy* – The difference between parking supply and demand.

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- *Demand Generator* – Any building, structure, business or attraction that brings individuals into the study area, thereby increasing parking demand and occupancy.
- *Survey Day* – The day that the parking occupancy counts were conducted in the study area.
- *Shared Parking* - Shared parking is the use of a parking space by vehicles generated by more than one land use. The ability to share parking spaces is the result of two conditions:
 - Variations in the accumulation of vehicles by hour, by day or by season at the individual land uses.
 - Relationships among the land uses that result in visiting multiple land uses on the same auto trip.

STUDY AREA

The study area consists of approximately 12 core city blocks in the central business district of Tyler, Texas. It is generally bordered by Locust Street to the North, Fannin Avenue to the East, Elm Street to the South and Bois D Arc Avenue to the West. Blocks immediately adjacent to this core area provide future development potential.

A map of the complete study area is shown in the following figure.

PARKING PLANNING STUDY

TYLER TEXAS

JANUARY 2011



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Figure 1: Study Area



Source: Google & Walker Parking Consultants, 2011

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CURRENT CONDITIONS

This section of the report documents our understanding of the existing parking characteristics within the study area. The information contained herein serves as the basis for analysis of the parking supply and needs of the study area. Included in this section is a discussion of parking supply, effective supply, observed parking occupancy, current parking demand and dynamics of the parking system.

PARKING SUPPLY

The foundation of a parking supply and demand study is an inventory of the existing parking supply. Parking in Downtown Tyler is available in several forms: on-street parking, which is primarily metered and signed for a 2-hour time limit, with rates of \$0.25/hour. For the most part, on-street parking was signed and the restrictions were clearly marked. Off-street parking is available to the public in the form of surface parking lots and as well as in a structured facility. Private parking is available for specific user groups in both lots and garages, and is often restricted for use by designated individual businesses. Observations indicated that a majority of businesses offer free parking for their visitors.

The parking inventory is compared to the observed demand to quantify the existence of a parking surplus or deficit. A surplus exists when the supply exceeds demand, while a deficit exists when the supply is inadequate to meet the demand. We conducted our analysis on a block-by-block basis within the study area, segmenting the demand by block.

Based on the data collected, the total supply of spaces within the study area is approximately $1,406 \pm$ spaces. The study area spaces are comprised of the following: $278 \pm$ on-street, and $1,128 \pm$ off-street. Of the off-street spaces, $82 \pm$ are open for public parking and $1,046 \pm$ are either private or available for use on a restricted basis only, as summarized in the table below.

Table 1: Parking Supply Summary

Off-Street						
Public Lot	Public Garage	Private Lot	Private Garage	Subtotal	On-Street	Total Supply
18	64	655	391	1,128	278	1,406

Walker Parking Consultants, 2010

SUPPLY/DEMAND ANALYSIS

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A complete block-by-block listing of the parking supply is shown in the table below; public parking is available on blocks 4 and 8.

Table 2: Parking Supply

Block #	Public Lot	Public Garage	Private Lot	Private Garage	Off-Street Supply	On-Street Supply	Total Supply
1	0	0	115	0	115	4	119
2	0	0	70	0	70	8	78
3	0	0	0	219	219	7	226
4	18	0	116	0	134	17	151
5	0	0	66	0	66	22	88
6	0	0	36	0	36	48	84
7	0	0	0	0	0	60	60
8	0	64	61	62	187	7	194
9	0	0	12	0	12	21	33
10	0	0	43	0	43	26	69
11	0	0	50	110	160	30	190
12	0	0	86	0	86	28	114
Totals	18	64	655	391	1,128	278	1,406

Walker Parking Consultants, 2011

EFFECTIVE PARKING SUPPLY

Most parking systems operate at peak efficiency when parking occupancy is 85 percent to 95 percent of the supply. When occupancy exceeds this level, patrons may experience delays and frustration while searching for a space; moreover, the parking supply may be perceived as inadequate even though there are some spaces available in the system. To address this issue, the inventory of spaces within the study area is adjusted to allow for a cushion necessary for vehicles moving in and out of spaces and to reduce the time necessary to find the last few remaining spaces when the system is near capacity. We derive an effective supply by deducting this cushion from the total parking capacity. The cushion allows for vacancies created by restricting parking spaces to certain users (reserved spaces), mis-parked vehicles, minor construction and debris removal.

As a result, the effective supply is used to analyze the adequacy of the parking system, rather than the total supply or inventory of spaces. Following are some factors that affect efficiency within a parking system:

- Capacity – Large, scattered surface lots operate less efficiently than more compact facilities, such as a double-threaded helix, which offers one-way traffic that passes each available parking space one time. Moreover, it is more difficult to find available spaces in a widespread parking area than in a centralized parking area.

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- Type of users – Monthly or regular parking patrons often find available spaces more efficiently than infrequent visitors because they are familiar with the layout of the facility and typically know where spaces are available when parking.
- On-street vs. off-street – On-street parking is less efficient than off-street due to the time it takes patrons to find the last few vacant spaces. In addition, patrons are typically limited to one side of the street at a time and often must parallel park in traffic to use the space. Many times on-street spaces are not striped or are signed in a confusing manner, which can lead to lost spaces and frustrated parkers.

Based upon our analysis, the study area's effective supply is determined to be 85 percent for all on-street spaces, 90 percent for all public off-street spaces and 95 percent for all private off-street spaces. The study area contains a total of 1,406± spaces before adjustments are made to account for an effective supply. When the effective supply factor is applied to the overall parking capacity, the study area's effective supply is 1,305± spaces as shown in the table below.

Table 3: Effective Supply Summary

Off-Street Public Supply	Effective Supply Factor	Off-Street Private Supply	Effective Supply Factor	Total On- Street Supply	Effective Supply Factor	Total Effective Supply
82	0.90	74	1,046	278	0.85	237

Walker Parking Consultants, 2011

The table below shows a complete block-by-block listing of the parking supply

Table 4: Effective Parking Supply

Block #	Off-Street Public Supply	Effective Supply Factor	Off-Street Private Supply	Effective Supply Factor	On-Street Supply	Effective Supply Factor	Total Effective Supply
1	0	0.90	115	0.95	109	4	0.85
2	0	0.90	70	0.95	67	8	0.85
3	0	0.90	219	0.95	208	7	0.85
4	18	0.90	16	0.95	110	17	0.85
5	0	0.90	0	0.95	63	22	0.85
6	0	0.90	36	0.95	34	48	0.85
7	0	0.90	0	0.95	0	60	0.85
8	64	0.90	58	0.95	117	7	0.85
9	0	0.90	0	0.95	11	21	0.85
10	0	0.90	43	0.95	41	26	0.85
11	0	0.90	160	0.95	152	30	0.85
12	0	0.90	86	0.95	82	28	0.85
Totals	82	0.90	74	1,046	994	278	0.85
						237	1,305

Walker Parking Consultants, 2011

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TYLER, TEXAS

JANUARY 28, 2011

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PARKING DEMAND

To determine parking patterns within the study area, the usage of all study area parking facilities were evaluated. Understanding the parking patterns helps define both patron types and parking locations. Occupancy counts were taken for all on and off-street parking spaces on December 8th, a date representative of a typical weekday in Tyler at 9:00 AM, 11:00 AM and 1:00 PM.

Table 5 summarizes the observed on-street and off-street parking occupancy by time of day.

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Table 5: Parking Occupancy Summary

Type	Supply	9:00	Percentage	11:00	Percentage	1:00	Percentage
On-Street	278	169	61%	172	62%	181	65%
Off-Street Public	82	32	39%	38	46%	37	45%
Off-Street Private	1,046	676	65%	719	69%	607	58%
Total	1,406	877	62%	929	66%	825	59%

Walker Parking Consultants, 2011

The observed peak parking occupancy for the entire area was approximately $929 \pm$ vehicles. This occurred during the weekday 11:00 AM count and represented 66 percent of the parking supply.

While occupancy rates as a whole do not indicate a shortage of space, some blocks experienced very high rates of occupancy, (96% occupied), indicating localized parking shortages.

The tables below detail the observed parking occupancy for both on and off-street parking by block, and by time of day.

Table 6: Parking Occupancy Summary – On-Street

Block #	Supply	9:00	Percentage	11:00	Percentage	1:00	Percentage
1	4	1	25%	2	50%	4	100%
2	8	6	0%	6	0%	6	0%
3	7	5	71%	4	57%	5	71%
4	17	5	0%	6	0%	3	0%
5	22	13	59%	13	59%	12	55%
6	48	30	63%	38	79%	45	94%
7	60	58	97%	43	72%	41	68%
8	7	4	57%	4	57%	3	43%
9	21	3	14%	8	38%	10	48%
10	26	10	0%	14	0%	16	0%
11	30	19	63%	25	83%	27	90%
12	28	15	54%	9	32%	9	32%
Totals	278	169	61%	172	62%	181	65%

Walker Parking Consultants, 2011

PARKING PLANNING STUDY

TYLER, TEXAS



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Table 7: Parking Occupancy Summary – Off-Street Public

Block #	Supply	9:00	Percentage	11:00	Percentage	1:00	Percentage
1	0	0	0%	0	0%	0	0%
2	0	0	0%	0	0%	0	0%
3	0	0	0%	0	0%	0	0%
4	18	14	78%	16	89%	18	100%
5	0	0	0%	0	0%	0	0%
6	0	0	0%	0	0%	0	0%
7	0	0	0%	0	0%	0	0%
8	64	18	28%	22	34%	19	30%
9	0	0	0%	0	0%	0	0%
10	0	0	0%	0	0%	0	0%
11	0	0	0%	0	0%	0	0%
12	0	0	0%	0	0%	0	0%
Totals	82	32	39%	38	46%	37	45%

Walker Parking Consultants, 2011

Table 8: Parking Occupancy Summary – Off-Street Private

Block #	Supply	9:00	Percentage	11:00	Percentage	1:00	Percentage
1	115	60	52%	90	78%	69	60%
2	70	45	64%	46	66%	35	50%
3	219	156	71%	160	73%	125	57%
4	116	92	79%	95	82%	84	72%
5	66	17	26%	13	20%	12	18%
6	36	32	89%	32	89%	28	78%
7	0	0	0%	0	0%	0	0%
8	123	73	59%	83	67%	66	54%
9	12	3	25%	5	42%	3	25%
10	43	34	79%	34	79%	34	79%
11	160	114	71%	121	76%	119	74%
12	86	50	58%	40	47%	32	37%
Totals	1,046	676	65%	719	69%	607	58%

Walker Parking Consultants, 2011

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PARKING ADEQUACY

Parking adequacy is the ability of the parking supply to accommodate the demand. In the case of the study area, demand is estimated based on the observed peak parking occupancy counts adjusted for seasonality. The peak observation occurred during the weekday daytime count. The observed occupancy was subtracted from the effective supply to determine adequacy within the study area, which is summarized in the following table.

Table 9: Summary of Current Weekday Peak Parking Adequacy

Off-Street Public Effective Supply			Off-Street Private Effective Supply			On-Street Effective Supply			Total
	Peak Occupancy	Adequacy		Peak Occupancy	Adequacy		Peak Occupancy	Adequacy	
74	38	36	994	719	275	237	172	65	376

Walker Parking Consultants, 2010

As a whole, the system displays a surplus of $376 \pm$ spaces during peak occupancy on a weekday at 11:00 AM; however, several blocks experienced parking occupancy levels at or near capacity. The table below provides a summary of the combined parking adequacy by block; blocks with inadequate supply are highlighted red.

Table 10: Current Peak Parking Adequacy - Weekday

Block #	Off-Street Public Effective Supply			Off-Street Private Effective Supply			On-Street Effective Supply			Total Adequacy
	Peak Occupancy	Adequacy		Peak Occupancy	Adequacy		Peak Occupancy	Adequacy		
1	0	0	0	109	90	19	3	2	1	20
2	0	0	0	67	46	21	7	6	1	22
3	0	0	0	208	160	48	6	4	2	50
4	16	16	0	110	95	15	14	6	8	23
5	0	0	0	63	13	50	19	13	6	56
6	0	0	0	34	32	2	41	38	3	5
7	0	0	0	0	0	0	51	43	8	8
8	58	22	36	117	83	34	6	4	2	72
9	0	0	0	11	5	6	18	8	10	16
10	0	0	0	41	34	7	22	14	8	15
11	0	0	0	152	121	31	26	25	1	32
12	0	0	0	82	40	42	24	9	15	57
Totals	74	38	36	994	719	275	237	172	65	376

Walker Parking Consultants, 2010

Based on the block-by-block parking adequacy analysis, no blocks experience negative parking adequacy, while several blocks experience on-street adequacy rates near capacity.

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LICENSE PLATE INVENTORY

Walker conducted a site survey and analysis of the on-street parking conditions in the Downtown Tyler. The survey portion of the inventory required that visual inspections of all restricted spaces (includes metered and two hour limit) be made every hour, during which time the last three characters of the license plate on the occupying vehicle (if present) was recorded on a data collection form. The survey began at approximately 8:00 a.m. and continued throughout the day until approximately 3:00 p.m.

Analysis of the data required input of the collected license plate characters into a spreadsheet that examined the turnover characteristics on each block-face. (a block-face is one side of a four-sided block that features restricted parking; not every block face in the downtown area is restricted by meters or a posted time limit.

The table below identifies the 4 block-faces that were surveyed for this effort, which were bounded by Ferguson Street to the north, Spring Street to the east, Elm Street to the south and College Avenue to the west.

Figure 2: LPI Map



Source: Google & Walker Parking Consultants, 2011

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The table below shows that the peak parking occupancy occurred during the 10 AM hour, with 117 of 212 spaces occupied, representing a 55% occupancy rate.

Table 11: LPI Occupancy Summary

Street:	Side:	From:	Total Inventory	Hourly Occupancies					Peak Hour
				8:00 AM	9:00 AM	10:00 AM	11:00 AM	noon	
E. Erwin	S	Broadway	12	10	11	12	12	12	12
E. Erwin	N	Broadway	7	7	7	6	7	6	6
Broadway	W	Erwin	10	4	5	10	9	10	10
Ferguson	S	College	8	7	5	8	6	6	8
Ferguson	S	Broadway	7	1	0	7	5	7	7
Spring	W	Ferguson	13	12	12	11	11	10	11
Spring	W	Erwin	10	5	10	10	5	6	10
College	E	Ferguson	5	3	2	5	4	4	5
Broadway	W	Ferguson	14	13	13	14	14	14	14
Ferguson	N	College	7	7	7	7	7	7	7
Ferguson	N	Broadway	7	5	7	7	6	7	7
Spring	E	Erwin	8	6	8	8	6	7	8
College	W	Erwin	10	4	6	9	8	10	9
Erwin	N	College	10	7	5	9	9	10	9
Broadway	E	Ferguson	16	8	15	16	16	15	16
Erwin	S	College	14	12	12	14	14	13	14
College	W	Ferguson	16	15	11	16	16	15	16
Broadway	E	Erwin	6	5	3	5	5	6	5
			Total Occupancies	180	131	139	174	160	165
			% Occupied		73%	77%	97%	89%	92%
								174	
								97%	

Source: Walker Parking Consultants, 2011

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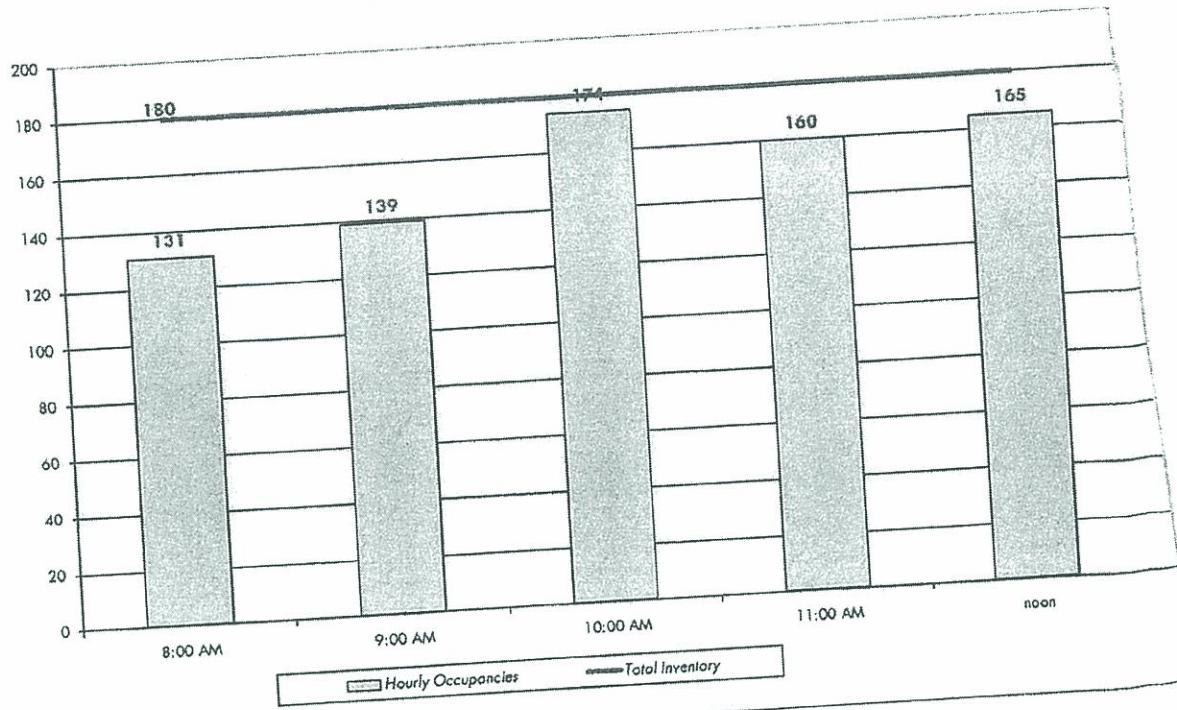
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Figure 3: LPI Hourly Occupancy

Summary of Hourly Occupancies (all areas)



Source: Walker Parking Consultants, 2011

Figure 4 shows that most vehicles observed as parked on-street were parked for one hour or less ^{in the} downtown area. This suggests that the majority of on-street spaces are used by short-term parkers, ^{which is} appropriate. This is not to say that specific streets within the study area did not experience poor turnover. The high turnover at the majority of on-street spaces suggests that parking enforcement is enforcing the posted time limits. Parking enforcement officers were observed at work on the study dates.

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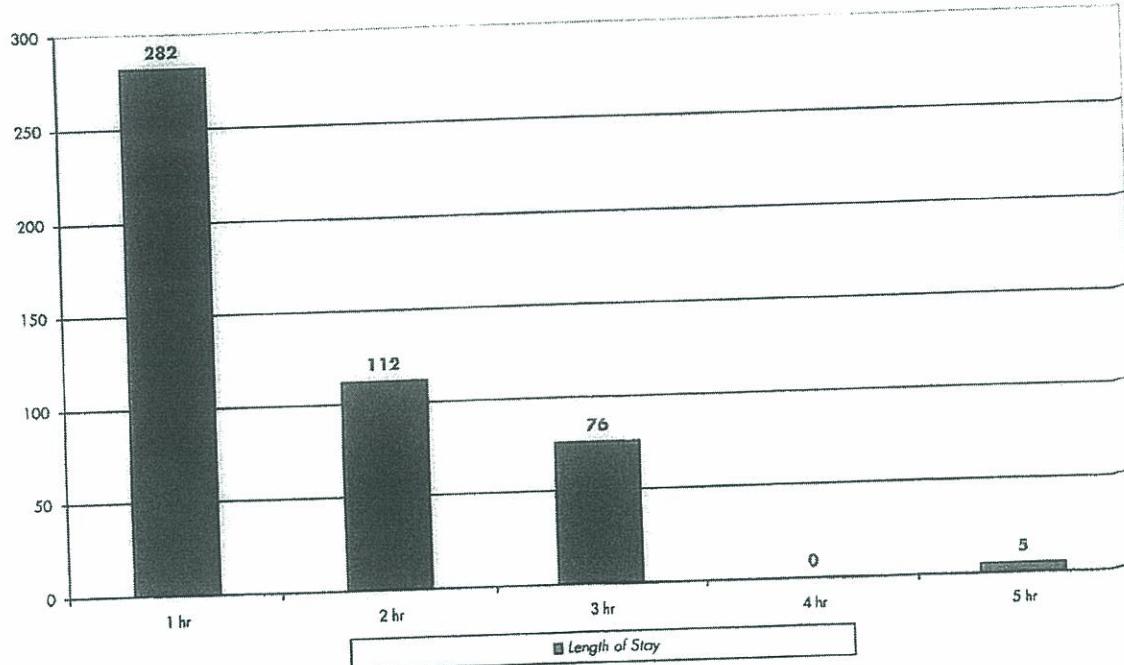
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Figure 4: Length of Stay Summary

Length of Stay Summary (all areas)



Source: Walker Parking Consultants, 2011

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FUTURE PARKING CONDITIONS

There are basically two different methods for projecting future parking volumes: one method involves the use of historical growth rates, while the other method involves the collection of information regarding the proposed development that is likely to occur in terms of land use and square footage changes. This information regarding future developments allows the projecting of vehicular volumes and parking demands for the proposed new uses. However, as the planning horizon goes further and further into the future, the ability to predict changes becomes more difficult. As such, the applicability of historical growth rates is probably the more realistic of the two methodologies.

The study area is expected to experience a steady growth rate due in part to the continued use and popularity of the retail and business areas. In the absence of any particular identified development in the study area, Walker projected future demand based on an overall growth rate factor. Three growth rate scenarios were analyzed: a 3% annual growth rate, as well as 5% and 7% annual growth rates.

The following table provides the parking adequacy for the three growth rate scenarios over a five-year growth horizon. Adequacy is shown for the overall study area, as well as on- and off-street parking, individually. At the five year horizon, taken as a whole, and even with a seven percent growth factor, parking is adequate. However, some blocks are projected to experience parking shortages.

Table 12: Five-Year Adequacy

		Weekday Daytime Peak Demand			
		Current	Conservative 3% growth	Moderate 5% growth	Aggressive 7% growth
Study Area	1,305	929	1,097	1,185	1,303
Adequacy		376	208	120	2
		Weekday Daytime Peak Demand			
		Current	Conservative 3% growth	Moderate 5% growth	Aggressive 7% growth
On-Street	237	172	199	221	242
Adequacy		65	38	16	(5)
		Weekday Daytime Peak Demand			
		Current	Conservative 3% growth	Moderate 5% growth	Aggressive 7% growth
Public Off-Street	74	38	43	48	54
Adequacy		36	31	26	20
		Weekday Daytime Peak Demand			
		Current	Conservative 3% growth	Moderate 5% growth	Aggressive 7% growth
Private Off-Street	994	719	834	919	1,009
Adequacy		275	160	75	(15)

Source: Walker Parking Consultants, 2011

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Table 12 provides the parking adequacy for the three growth rate scenarios over a ten-year growth horizon. Projections over a ten year period indicate the existing parking supply will be insufficient to support future parking demand as a whole, at the 5% and 7% growth scenario. The table below shows sufficient parking supply in the overall study area assuming a 3% growth scenario.

Table 13: Ten-Year Adequacy

	Effective Supply	Weekday Daytime Peak Demand			
		Current	Conservative 3% growth	Moderate 5% growth	Aggressive 7% growth
Study Area	1,305	929	1,272	1,512	1,828
Adequacy		376	33	(207)	(523)
On-Street	237	172	231	282	339
Adequacy		65	6	(45)	(102)
Public Off-Street	74	38	48	62	76
Adequacy		36	26	12	(2)
Private Off-Street	994	719	967	1,173	1,417
Adequacy		275	27	(179)	(423)

Source: Walker Parking Consultants, 2011

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As a whole, any current perception of inadequate parking is not supported by the observed occupancy counts. This may be because on-street parking in the core area is so user-friendly that people tend to use these spaces first, while using the off-street parking lots and further out two hour time limited spaces only as a last resort. The result is constant traffic congestion on-street, which creates the illusion of a parking shortage; while in fact, there is an overall surplus of parking available by walking an additional block or two on street, or in nearby off-street lots, that may not be visible to the average person driving in the district.

While current conditions do not indicate an immediate need for additional parking capacity those conditions may change. We understand discussions are ongoing for near term development in and around the core area. In order to support development of hotels, conference centers, and additional retail businesses new parking capacity will be required.

We recommend building a structure with at least 300-400 spaces in order to gain the economies of scale needed to help reduce the overall cost per space. Dependent upon the site, we would also recommend building two to three supported levels to help achieve those same economies of scale, as smaller garages result in fewer spaces per square foot and higher construction costs per space.

POTENTIAL PARKING STRUCTURE SITES

The study area was evaluated to determine optimum locations for a parking structure based on the current parking surplus. As the downtown core grows and demand increases, it is important to plan the parking to grow with expansion to continue to meet the demand. Increases in demand may cause some blocks to experience shortages, but those shortages may be overcome with a combination of shuttles, pricing strategies, etc. However, if unexpected major development occurs, the parking supply in the area of the development may need to be re-evaluated.

PARKING STRUCTURE DESIGN

An effective way to concentrate a parking supply in a limited area is through a parking structure. There are several variables and options to consider when selecting the type of structure. Options include the

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desired traffic flow (one-way or two-way), additional use within the structure (such as retail at ground-level), the Level of Service (LOS) and height restrictions.

Generally, the larger the potential site the greater the options for the design of the structure. A major component of the structure design is the vertical ramping system, which can be a single-threaded helix, or a double-threaded helix. The types of ramps employed in the structure are parkable or non-parkable (express ramp). The major factors which determine the above ramping options are site dimensions, capacity of garage and number of floors, traffic flow, and user groups.

A single-threaded helix is a ramping system in which the motorist travels up or down one level in one 360-degree revolution. A double-threaded helix is a ramping system in which the motorist travels up or down two levels in one 360-degree revolution. Ramps can be parkable with the slopes ranging from 4.5% to 6.5%. An express ramp is a non-parkable ramp in which the slopes range from 6.68% to 16%. The increased slope allows for greater elevations in shorter distances.

LEVEL OF SERVICE DESIGN CRITERIA

Walker has developed a Level of Service (LOS) approach, similar to that used by traffic engineers for the design of parking facilities. The geometrics are based upon Walker's design criteria, published in the book *Parking Structures, Third Edition*, (Chrest, Smith, Bhyan, Monahan, Iqbal, 2001). The LOS design criteria are also in such publications as the Architectural Graphic Standards.

LOS A dimensions are the most generous and are often employed in high turnover situations, including retail, hospital visitor parking, condominiums and cases where the end user demands a more generous circulation and parking experience, such as Class A space. LOS B is employed in urban settings where tighter dimensions are accepted. Uses for LOS B are visitor parking at office buildings. LOS C is employed for employee parking in urban environments and/or student parking. LOS D is only employed in the most urban environments where parking is at a very high premium. Another factor affecting the user group design criteria is the predominant type of vehicle for the area. For example, a predominantly heavy mix of large vehicles, such as in Texas with pickup trucks and SUV's would gravitate toward a higher LOS classification. Table 1 identifies the LOS in relation to the users of the facility.

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Table 14: LOS User Selection Criteria

A	B	C	D
High Turnover parking shopping centers, VIP's airport 0-3 hrs.			
Hospitals, airport 3-24 hrs.			
Office or University Visitors, arena, airport 24+ hrs			
Monthly, employee parking, Stadium			
	Student parking		

Source: Walker Parking Consultants, 2011

The design vehicle for the LOS approach is a Ford Expedition, because it is the 85 percentile in size, based upon vehicle sales. Design criteria include such geometrics as module width (distance from nose of car to nose of car on the opposite side of the aisle), angle and width of space, turning movement requirements, queuing, etc. The LOS design criteria can be intermixed to provide the most efficient layout while maintaining the necessary design criteria. For example, a LOS A stall width can be used in conjunction with a LOS B parking module. This provides for the necessary maneuvering geometrics for the user type but requires less floor area to construct the garage. The stall width is more critical to the user comfort than the parking module. Table 2 illustrates the relationship between level of service, user type and specific design criteria.

Table 15: LOS Design Criteria

Design Consideration	Chief Factor	Acceptable Level of Service			
		D	C	B	A
Turning radii, ramp slopes, etc.	Freedom to maneuver	Employee	Visitor	
Travel distance, number of turns, etc.		Visitor	Employee	
Geometrics	Freedom to maneuver	Employee	Visitor	
Flow capacity	v/c Ratio	Employee	Visitor	
Entry/exit	Average wait	Visitor	Employee	

Source: Walker Parking Consultants, 2011

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The design of each parking facility is unique. Site constraints are often the primary driver in the development of a parking facility. This can dictate such critical items as travel patterns (one-way vs. two-way), ramping system, stall angles, etc... Walker utilizes the LOS criteria as a guideline to help develop the desired outcome and often-times intermixes the LOS criteria to provide the required traffic flow capacity and user comfort when traversing the facility. There are an abundance of other critical design elements, such as ramp capacity, slopes, user comfort criteria, turning radii, turning widths, etc., which are not addressed in this document.

WALKING DISTANCE

Pedestrian Safety: This criterion involves two factors: the ability of vehicles to move to and from the area without pedestrian/vehicle conflict and, the ease of use by pedestrians with consideration of the walking path and distances to/from the facility.

Walking distance varies based on the patron user group as well as the environment of the surrounding area in which the patron must walk. To aid in estimating the appropriate walking distance, a Level of Service (LOS) rating system is used for evaluating appropriate walking distances based on specific criteria. Several factors impact the walking distance that a typical person will consider reasonable. These include climate, perceived security, lighting, and whether it is through a surface lot or inside a parking structure. LOS "A" is considered the best or ideal, LOS "B" is good, LOS "C" is average and LOS "D" is below average but minimally acceptable.

A break down of the LOS conditions is provided in the following table.

Table 16: Level of Service Conditions

Level of Service Conditions	A	B	C	D
Climate Controlled	1,000 ft.	2,400 ft.	3,800 ft.	5,200 ft.
Outdoor/Covered	500	1,000	1,500	2,000
Outdoor/Uncovered	400	800	1,200	1,600
Through Surface Lot	350	700	1,050	1,400
Inside Parking Facility	300	600	900	1,200

Source: "How Far Should Parkers Have to Walk?", by Mary S. Smith and Thomas A. Buecher, *Parking* September 1994

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We recommend striving to provide adequate parking to specific user groups using the following LOS guidelines.

Visitors: Because visitors are most likely unfamiliar with the area and/or are short-term parkers, we recommend providing walking distance LOS A/B to all visitors.

Employees: Given the overall size of downtown Tyler and the culture that is present, we recommend striving to provide LOS B/C to employees, which park for longer periods and may not require the use of their vehicle throughout the day.

Table 17: Walking Distance Map



Source: Google and Walker Parking Consultants, 2011

The above table illustrates the walking distances from the core square and associate the appropriate LOS distances. If the center starting point shifts to a block face, the corresponding radius would also shift.

Walker proposed three sites where reasonably efficient parking structures could be developed on the available land mass. These are all current surface parking lots, with two of these sites inside the LOS B

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walking distances (acceptable for visitor parking) and one site between LOS B and LOS C distances (acceptable for employee parking). We understand Site 1 is currently owned by the City and is the most logical location for a structure to serve the downtown core. We do not know the ownership of the other two sites.

The sites are measured from Google Earth in order to develop reasonable dimensions for the conceptual alternative analyses. A more detailed analysis of the sites would be required with a site survey reflecting the topography of the site as well in order to develop schematic design level documents.

SITE 1 (ELM ST AND BROADWAY AVE)

OPTION 1

This option is a three-bay structure with 424 spaces on four total levels. The total efficiency is 368 square feet per space. The dimensional criteria used for design of all options are based upon a LOS A. It has a single-threaded ramping system, where the ramp is on the southern bay in order to maximize the flat floor parking on the side closest to the pedestrian destination. This increases the passive security by providing users an increased line of sight while traversing the garage.

The vehicle circulation is comprised of a combination of one-way and two-way paths of travel. The flat bays consist of 60-degree stalls, 9'-0" in width, with a one-way traffic pattern. The use of 60-degree stalls is the base configuration as this is currently allowed by City of Tyler parking ordinance. The sloped ramping bay has 90-degree stalls, 9'-0" in width, with a two-way path of travel to allow for vertical vehicular circulation.

OPTION 2

Option 2 is similar in design/layout to Option 1, with the exception of the stall angle on the flat bays. We have utilized 75-degree stalls, 9'-0" in width, to reflect the increases in efficiencies when the steeper stall angles are used. The result is a total space count of 463 spaces, with an efficiency of 353 square feet per space.

The structure is 7 feet wider than Option 1, however the advantages of increased space count and efficiency outweigh the negatives associated with the increase in width.

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OPTION 3

Option 3 is almost identical to Option 2, with the exception of the 13,000 sf of retail on the ground level along Elm Street. This option has a total of 420 spaces with an efficiency of 354 square feet per space.

Compared to the previous two options on this site, this has slightly less space than Option 1 and is almost identical in efficiency to Option 2. This has a large advantage in that the retail space along Elm Street makes the garage a more usable option for promoting the growth in downtown Tyler.

OPTION 4

Option 4 is provided to illustrate the most efficient design for a pure parking structure that could be accommodated on this site. This option is a three-bay structure with 470 spaces on four total levels with efficiency of 349 square feet per space. The two exterior flat bays have 60-degree stalls, 9'-0" in width, with a one-way clockwise traffic flow. The interior sloped parkable ramp contains the 90-degree stalls, 9'-0" in width, two-way traffic flow for vertical circulation.

This option is the most efficient and produces the greatest number of spaces. It also has a horizontal façade on all four sides. However, the sloped façade on the first three options occurs towards the interior of the block and is less visible from the surrounding streets. The horizontal façade view is most important along Elm, Broadway and College.

SITE 2 (FERGUSON ST AND BOIS D ARC AVE)

This layout is similar in nature to Site 1, Option 4 in that it has exterior flat bays and a center parkable ramp with two-way traffic. The differences are that the orientation of the garage is a north-south direction instead of an east-west direction and the garage is longer at 300' in length as opposed to 250' feet for Site 1. The garage has 578 spaces on four total levels with an efficiency of 339 square feet per space. As the efficiency numbers reflect, the larger the footprint for the garage the greater the overall efficiency when utilizing the same LOS design criteria.

This site could accommodate a garage similar to Site 1, Options 1 thru 3 with the sloped parkable ramp on the western bay maximizing the flat bay parking and increasing the line of sight for users. These

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alternatives are not shown due to the primary site for garage development being Site 1.

SITE 3 (FERGUSON ST, EAST OF RAILROAD TRACKS)

The overall width of Site 3 is much smaller than the previous two sites. The only feasible option for this site is a two-bay structure. The layout is all 90-degree parking, 9'-0" in width, with the flat bay to the north adjacent to Ferguson St. to allow for ingress/egress. The garage has 475 spaces on four total levels with an efficiency of 337 square feet per space.

This site is the least desirable because of its distance to the downtown core and the understanding that any new structure would need to be able serve visitor parking. However, we thought it prudent to provide this site alternative as a viable candidate for employee parking as the downtown core continues to grow and visitor parking becomes increasingly difficult to find.

It is important to understand the surrounding study area and the various economic indices that provide added clarity and historical evidence which in turn support the strength or weakness of the marketplace. Therefore, the existing conditions within the market area were analyzed in order to understand the parking market of the project site and the influencing factors.

Trends in occupied commercial space are among the most reliable indicators of parking demand in urban settings, because commercial tenants who occupy leased space often exhibit a strong propensity to generate and retain parking patrons. As a result, trends that cause changes in vacancy rates may have a proportional impact on the demand for public parking. Of particular importance to this parking analysis are the historical and forecasted demand trends exhibited by the primary demand generators in the market area.

The market area includes many smaller companies that complement the office, government, banking and retail community. The dominant source of demand for parking in the market area is derived from the banks, offices and retail institutions located in the study area.

The following description sets forth the basis for the projection of revenue and expense. We anticipate that it will take three calendar years for the subject property to reach a stabilized level of operation. Each revenue and expense item has been projected based on the

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integration of information derived from comparable operating statements and a project specific revenue model developed by Walker. The following financial projection is based upon calendar years beginning 2011 and extends through calendar year 2016. Where applicable, our financial projections are expressed in inflated dollars for each year.

Operating revenues generated by the parking facility will come from monthly patrons. In order to make a recommendation for a parking rate schedule, a rate survey was conducted within the general market area.

CURRENT RATES

Current parking rates are based on approved maximum parking rates as established by City ordinance. These rates are posted near the maximum in most facilities. Walker recommends that the City review these rates and make adjustments based on rates charged and occupancies of competing facilities located within the central business district.

The balance of supply and demand is achieved through market rent. Excess vacancy indicates those situations where parking rates are too high. Conversely, high occupancy rates may indicate that parking rates are too low in a given location. Evaluation of the parking rates in the CBD should improve the competitive position of the City owned off-street parking facilities and result in higher utilization and higher overall revenue.

OFF-STREET PARKING RATES

Parking fees within the downtown area range from free to \$1.00/30 minutes, to a maximum of \$15.00/day for off-street. On-street parking is mostly \$0.25/hour. A number of spaces are no charge and limited to parking for two hours.

One of the most important considerations in projecting operating revenue for a proposed parking facility is a supportable forecast of its attainable average rate, which is more formally defined as the average parking rate per vehicle. To determine the average parking rate per vehicle, the study team conducted a field survey of parking rates in the market area.

Parking rates are a function of the open market system. As such, the rates charged are generally in line with the principles of supply and demand. Due to political and economic pressures, some cities keep

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rates artificially low to encourage economic development or to provide an incentive to lure patrons to the downtown area.

The rates in Tyler do appear to be on the low side; however, raising rates substantially may not be palatable to the public. We recommend the city consider annual reviews of parking rates, and establish a reasonable rate increase schedule, tied to the standard cost of living increases. For the purpose of this preliminary financial analysis, a parking rate schedule that is reflective of the current market rates exhibited within the market area was conservatively applied.

PROJECTED OPERATING REVENUE

Monthly lease revenue is determined by two variables. These are projected leases sold and the lease-parking rate (fee). Two lease categories have been established due to the conceptual layout of the subject facility. These are reserved and non-reserved (regular) leases. Typically, it is in the best interest for a parking facility owner to maximize the available parking spaces and not reserve or dedicate spaces that cannot be sold more than once.

Inflation will have an impact on the revenue to be collected. In this analysis, parking rates were increased by 3.0 percent annually, commencing in the third year of operation, to account for inflationary adjustments in the market.

PROJECTED OPERATING EXPENSES

The calculation of annual operating expenses for the proposed parking structure is based upon local market research in the Tyler area and Walker's database of parking facilities. Operating expenses included salaries and benefits, management costs, security, utilities, insurance, auto damage, supplies, routine maintenance, elevator/parking equipment maintenance and miscellaneous expenses.

The operating expenses are based on the assumption of a proposed free-standing parking facility with 400 parking spaces. It is also assumed that the structure will have one entry and exit that is outfitted with automated revenue and access control equipment. This facility is assumed to be unstaffed, and the operating expenses are based on daily operations from 6 a.m. to midnight.

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MAINTENANCE AND REPAIR FUND

In addition to operating expenses, it is highly recommended that funds be allocated on a regular basis to cover structural maintenance costs. A minimum of \$75 per structured space annually should be placed in a sinking fund. Once a sinking fund is established, contributions to this fund accumulate over time and are available to cover structural maintenance and structural repairs. Even the best designed and constructed parking facility requires structural maintenance. For example, expansion joints need to be replaced and concrete invariably deteriorates over time and needs to be repaired to ensure safety and to prevent further deterioration. The structural maintenance cost typically represents the largest portion of the total maintenance budget. Facility owners tend to grossly underestimate the structural maintenance cost and budget inadequately for timely corrective actions that must be performed in order to extend the service life of the facility. Also, the adverse impact of ineffective structural maintenance is deferred. Therefore, it is difficult for most owners to recognize or realize the long-term benefits of timely corrective and preventive maintenance actions. The cost of structural maintenance is relatively small considering the potential liability associated with the neglect to properly maintain the facility.

The age and the geographic location of a parking facility will impact maintenance costs. Older facilities require more maintenance than a new facility. The cost of maintaining the structure will also increase as the structure ages.

Additionally, the structural system of the parking facility will influence maintenance costs. However, it is important to realize that the true cost over the life of the structure consists of two components. These are the initial cost to construct the facility and the maintenance cost. Structural systems that initially cost less may eventually turn out to be more expensive considering the higher cost of maintaining the structure over the entire service life of the facility.

The periodic structural maintenance includes items such as patching concrete spalls and delaminations in floor slabs, beams, columns, walls, etc. In many instances there are maintenance costs associated with the topping membranes, the routing and sealing of joints and cracks, and the expansion/construction joint repairs. The cost of these repairs can vary significantly from one structure to another. The factors that will impact the maintenance cost include, but are not limited to, the value the owner places on the maintenance of the facility, the local climate, and the age of the structure.

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A review by a restoration specialist is usually necessary to identify the preventive maintenance needs of a facility. In addition to the annual or other periodic inspections, material testing and examinations may also be necessary to determine and recommend maintenance measures. The results of the periodic inspections may also indicate the need for other material examinations and laboratory testing.

Note that the recommended repair and maintenance fund is often considered a capital expense and is not included as an operating expense for a parking facility. However, for the purpose of our preliminary analysis we have included with our financial projections the recommended repair and maintenance fund contribution.

FIVE-YEAR PRO FORMA

A five year pro forma was prepared for the proposed parking garage. The following assumptions were utilized in calculations of the pro forma.

1. Stabilization of the proposed structure is assumed in year three of operation.
2. Facility ramp-up assumes 85 percent in year one, 95 percent in year two, and 100 percent in years 3-5.
3. Reserved and non-reserved lease demand for the 400-space structure is assumed at 300 vehicles per month by the stabilized year (year three). This analysis does not account for any oversell of monthly leases.
4. Transient demand for the 400-space structure is projected to represent an average of 175 vehicles per day in year three of operation.
5. Monthly lease rates are assumed at three levels, \$20, \$30, and \$40 per month for non-reserved leases (300 spaces).
6. Transient (daily) rates are assumed at \$5.00/day.
7. The assumed parking rates are effective 24 hours per day, seven days a week, 365 day a year. No weekend, evening or holiday rates are applied in this analysis.
8. Parking rates are increased by three percent annually commencing at the beginning of the third projected year.

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9. Where applicable, operating expenses are increased by three percent annually commencing in year one of operation.
10. Our projections exclude any potential revenue generated by special events.
11. The proposed parking structure capacity is 400-above grade parking spaces.
12. No labor assumptions for the structure are assumed.
13. Twenty-four hour security, provided by the City police department, is assumed at the subject facility.
14. Financing for this pro forma are conservative with a thirty (30) year term, financed at 5.5%.

The pro forma reflects the gross operating revenues based on the calculated demand and assumed rate schedule for the proposed garage. Operating expenses represent estimated costs for operation of a 400-space structure with daily operation from 6 a.m. to midnight. The pro forma concludes with a computation of the proposed project's annual net operating income (NOI). The NOI represents the available cash flow that can be applied to the debt service.

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Table 18: ProForma

Inflation per annum =	3%	Year 1	Year 2	Year 3	Year 4	Year 5
		2011	2012	2013	2014	2015
Stabilization >>		85%	95%	100%	100%	100%
Operating Revenues		Capacity				
Monthlies	\$ 20.00 /month	300	\$61,000	\$70,000	\$76,000	\$76,000
Transient	\$ 5.00 /day	175	155,000	178,000	182,000	182,000
Less 5% Collection and Loss Factor			(10,800)	(12,400)	(12,900)	(12,900)
			\$205,200	\$235,600	\$245,100	\$245,100
Operating Expenses						
Management Fee		(\$30,000)	(\$31,000)	(\$32,000)	(\$33,000)	(\$34,000)
Wages		0	0	0	0	0
Employee Benefits		0	0	0	0	0
Contractual Services		(12,000)	(12,000)	(12,000)	(12,000)	(12,000)
Security		0	0	0	0	0
Materials & Supplies		(5,000)	(5,000)	(5,000)	(5,000)	(5,000)
Utilities		(30,000)	(31,000)	(32,000)	(33,000)	(34,000)
Insurance & Judgments		(6,000)	(6,000)	(6,000)	(6,000)	(6,000)
Elevator Repair		(5,000)	(5,000)	(5,000)	(5,000)	(5,000)
Reserve for Structural Maintenance		(30,000)	(31,000)	(32,000)	(33,000)	(34,000)
Property Taxes		0	0	0	0	0
Auto Damage		(1,000)	(1,000)	(1,000)	(1,000)	(1,000)
		(\$119,000)	(\$122,000)	(\$125,000)	(\$128,000)	(\$131,000)
Net Operating Income		\$86,200	\$113,600	\$120,100	\$117,100	\$114,100
Debt Service		(\$289,000)	(\$289,000)	(\$289,000)	(\$289,000)	(\$289,000)
Net Income (Loss)		(\$202,800)	(\$175,400)	(\$168,900)	(\$171,900)	(\$174,900)

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Inflation per annum =	3%	Year 1	Year 2	Year 3	Year 4	Year 5
		2011	2012	2013	2014	2015
Stabilization >>		85%	95%	100%	100%	100%
Operating Revenues		<u>Capacity</u>				
Monthlies	\$ 30.00 /month	300	\$92,000	\$106,000	\$115,000	\$115,000
Transient	\$ 5.00 /day	175	155,000	178,000	182,000	182,000
Less 5% Collection and Loss Factor			(12,350)	(14,200)	(14,850)	(14,850)
			\$234,650	\$269,800	\$282,150	\$282,150
Operating Expenses						
Management Fee			(\$30,000)	(\$31,000)	(\$32,000)	(\$33,000)
Wages			0	0	0	0
Employee Benefits			0	0	0	0
Contractual Services			(12,000)	(12,000)	(12,000)	(12,000)
Security			0	0	0	0
Materials & Supplies			(5,000)	(5,000)	(5,000)	(5,000)
Utilities			(30,000)	(31,000)	(32,000)	(33,000)
Insurance & Judgments			(6,000)	(6,000)	(6,000)	(6,000)
Elevator Repair			(5,000)	(5,000)	(5,000)	(5,000)
Reserve for Structural Maintenance			(30,000)	(31,000)	(32,000)	(33,000)
Property Taxes			0	0	0	0
Auto Damage			(1,000)	(1,000)	(1,000)	(1,000)
			(\$119,000)	(\$122,000)	(\$125,000)	(\$128,000)
Net Operating Income			\$115,650	\$147,800	\$157,150	\$154,150
Debt Service			(\$289,000)	(\$289,000)	(\$289,000)	(\$289,000)
Net Income (Loss)			(\$173,350)	(\$141,200)	(\$131,850)	(\$134,850)
						(\$137,850)

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Inflation per annum =	3%	Year 1	Year 2	Year 3	Year 4	Year 5
		2011	2012	2013	2014	2015
Stabilization >>		85%	95%	100%	100%	100%
Operating Revenues		<u>Capacity</u>				
Monthlies	\$ 40.00 /month	300	\$122,000	\$141,000	\$153,000	\$153,000
Transient	\$ 5.00 /day	175	155,000	178,000	182,000	182,000
Less 5% Collection and Loss Factor			(13,850)	(15,950)	(16,750)	(16,750)
			\$263,150	\$303,050	\$318,250	\$318,250
Operating Expenses						
Management Fee			(\$30,000)	(\$31,000)	(\$32,000)	(\$33,000)
Wages			0	0	0	0
Employee Benefits			0	0	0	0
Contractual Services			(12,000)	(12,000)	(12,000)	(12,000)
Security			0	0	0	0
Materials & Supplies			(5,000)	(5,000)	(5,000)	(5,000)
Utilities			(30,000)	(31,000)	(32,000)	(33,000)
Insurance & Judgments			(6,000)	(6,000)	(6,000)	(6,000)
Elevator Repair			(5,000)	(5,000)	(5,000)	(5,000)
Reserve for Structural Maintenance			(30,000)	(31,000)	(32,000)	(33,000)
Property Taxes			0	0	0	0
Auto Damage			(1,000)	(1,000)	(1,000)	(1,000)
			(\$119,000)	(\$122,000)	(\$125,000)	(\$128,000)
Net Operating Income			\$144,150	\$181,050	\$193,250	\$190,250
Debt Service			(\$289,000)	(\$289,000)	(\$289,000)	(\$289,000)
Net Income (Loss)			(\$144,850)	(\$107,950)	(\$95,750)	(\$98,750)

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As the CBD district grows and adds developments to its core, it is imperative to grow the parking system as well. Currently patrons are offered very low cost parking options and these rates are directly affected by supply/demand. In order to continue the low rate trend, parking should be studied as each new development is proposed.

PROPOSED MULTI-MODAL CENTER

It should be noted that proposals have been made to study and construct a multi-modal center in Tyler. Based upon our discussions with local entities involved in this effort we understand the facility to be planned to serve transportation needs and contain parking spaces. At this point in time funds have not been identified to complete a study regarding the details of the facility services, size, and financing. Early plans have suggested that as many as 500 parking spaces would be included in the project. These parking spaces would serve Smith County functions and potentially provide support for transportation services. We have been informed that there is a desire to see the facility open within five years.

PARKING LOTS

Most of the blocks in the study area include off-street parking lots that are private; use of these lots is restricted to patrons and/or employees of the business that own the lot. Some of the lots in the study area were created by "default" when buildings that once occupied those areas were demolished; moreover, this gives the landscape an appearance of "missing teeth". A long range goal should be to fill in the "missing teeth" with buildings, as development occurs. Parking areas are better served when located off the main corridor streets.

If shared parking becomes a viable option for the city, issues over liability, maintenance, operation and revenue collection must be addressed with the individual lot owners. This coordination of parking operations would most likely be best handled by the City with third-party parking operators utilized to assist in the operation.

WAYFINDING / SIGNAGE

We recommend implementing a comprehensive signage program to maximize visitor awareness to public parking locations. The signage improvements should be prepared in conjunction with any enhancements to the parking resources, in addition to any streetscape

GENERAL OBSERVATIONS

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improvements along the corridor roadways. As is true with any good communications medium, signs should be brief, precise and appropriate, such as "Public Parking" or "Two Hour Parking." Further, the signage should guide the driver from the main thoroughfares into the parking lots.

At present, there appears to be no consistent parking signage for the off-street parking areas or along the primary thoroughfares, particularly with respect to enforcement signs. While many business owners have private parking signs posted on the sides of buildings, sign posts and fences, they vary in content as well as in visual appearance.

Each parking area has its own set of wayfinding/signage requirements. These requirements present specific questions concerning the needs and concerns of the users to be answered during the design of the signs, including:

- What are the points at which information is needed?
- What information is needed?
- How should this information be presented?
- Will there be a high percentage of first-time visitors to the district, or is the parking supply used by the same people every day?
- Are there special sign requirements for accessible parking or bilingual patrons?
- Are there choices in traffic patterns that must be presented to drivers such as directions to parking near the entrance to an anchor tenant or exits to different streets?

It is also important that general rules for sign design and placement be followed when planning the streetscape improvements.

- All signage should have a general organizing principle consistently evident in the system.
- Direction signage for both pedestrians and vehicles must be continuous (i.e., repeated at each point of choice) until the destination is reached. Very minimal signage exists at the point of parking that directs patrons back to the merchants.
- Signs should be placed in consistent and therefore predictable locations.

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MANAGING PERCEPTIONS

As identified in the Supply/Demand section of this report, not all parking resources are maximized during a typical weekday or weekend. Rather, some localized areas experience higher levels of demand than do others during specific times of day and days of the week. To help redistribute the demand, a community map should be prepared that identifies land uses and available parking options within the study area. The map could be distributed to property owners, business owners, employees, visitors, residents, the Chamber of Commerce, and real estate agents. In addition, the map could be placed in marketing materials, newsletters and local restaurant and shopping guides.

EXPLORING OPPORTUNITIES FOR VALET PARKING

The opportunity may exist for some business owners along the corridor to offer seasonal valet parking to their restaurant/retail/entertainment customers. This alternative may increase the level of service provided by the local businesses, and it may also increase the utilization of less desirable, unused parking spaces. For example, a church, office or grocery store parking lot may serve as a seasonal valet lot.

Valet operations should be regulated by the City; moreover, Walker recommends the City adopt written guidelines that address valet operations. Items outlined in the guidelines should include, but are not limited to: signage, hours of operation, enforcement, application, fees and agreements/lease of public spaces in garages (if used by valet). Signage is critical, especially when dealing with on-street spaces that change designation from public spaces to valet zone. Administration and enforcement would be predominately handled by the City parking enforcement officers; however, during off hours the City police department would supplement this effort.

ELECTRONIC TICKETWRITERS

Walker recommends that Ambassadors (Parking Enforcement Staff) use an electronic ticket-writer system that allows electronic tire chalking and maintains electronic records of enforcement activity.

Some systems are available that provide the enforcement officer with information on a "live" basis while in the field via cellular technology, but most require that base data information must be downloaded to the

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handheld units from an IBM compatible PC base unit before departure, and are not networked again until docked, where the citation data is then transferred to the base unit. Handhelds may network through radio, cellular, cradle, cable or by infrared systems with the base unit.

Systems are typically networked to a service provider's central server computer, which is networked to the DMV and/or telephone directory license lookup services. These services supply addresses, facilitating follow-up letters, collection, etc. Some service providers perform all of the processing between the citation and the money collection. Each transaction typically takes from 20 to 30 seconds to process.

The most significant advantages over the old handwritten system is that (1) information is automatically downloaded directly to the system, avoiding data entry errors and/or transcription errors from sometimes-illegible handwritten citations, (2) most systems are programmed or modified specifically for the client, and (3) options such as scofflaw programs are included with a permit database, so no citations will be written on permitted vehicles. Handhelds can record occupancy data with special time intervals so the handheld keeps track of warning time (like chalk marks on tires). Some systems also use bar code reading of licenses with an attached adapter. Barcode readers are not universally available, but are an emerging technology.

PATROL VEHICLES

Ambassadors should patrol the area in distinctive patrol vehicles (i.e.: GEM, Cushman, Go-4, E-Z-Go, etc.). Dedicated enforcement vehicles increase enforcement visibility by clearly standing out from all other vehicles in the area. Enforcement officers are more visible and are considered easier to approach when using a vehicle with a "non-threatening" appearance.

GRADUATED FINE SCHEDULE

The goal of fining violators is not to increase revenues or fill city coffers; it is to keep parking available for short-term parking. Current parking fines, if too low, will encourage abuse by members of the community. Walker recommends a graduated fine schedule based on the number of violations within a specific time frame (30-60 days). The following fines are an example of one method of transforming the behavior of the current repeat violators.

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- 1st Violation \$8.00
- 2nd Violation \$12.00
- 3rd Violation \$16.00
- 4th Violation \$24.00 plus vehicle booting or towing

The idea behind the graduated fines is to deter repeat violators and change the behavior, thus freeing parking space in the study area for the intended users. The current fine system operates under a penalty clause, in that if a fine is paid late, a late fee is assessed. Consideration should be given to an incentive system, in which the fine might be set higher, but if the violator pays the fine within a certain period of time, a discount is applied to the fine. For example, under the current system, someone might receive a \$50 fine, and if paid late would be assessed a late charge. Under the incentive system, the initial fine is set higher (\$60), incorporating the late fee. However, if the fine is paid within a given period of time, a discount (\$10) is applied.

PUBLIC RELATIONS & COMMUNICATION

The public relations and communications plan would provide information on key events impacting downtown parking access issues, and should be responsible for increasing public awareness of downtown parking through events, activities, publications, press releases, maps and other literature.

The Public Relations and Communications program should:

- Include a comprehensive "Downtown Parking" City website.
- Respond to questions and requests from the general public for locations of parking facilities, pricing and availability.
- Maintain the integrity of downtown parking promotional materials, and provide parking maps, business development packets, and fact sheets.
- Provide day-to-day media relations, and generate press releases as needed.
- Provide public relations assistance to other downtown events as needed.

This information should be disseminated by the following means:

- (1) A comprehensive "Downtown Parking" City website.
- (2) A quarterly newsletter for the downtown parking community with news of economic developments in parking, development

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and construction projects, upcoming downtown events and profiles of downtown newsmakers.

- (3) Newspaper items or articles and media releases.
- (4) Brochures and maps both distributed and posted.
- (5) Direct mailings when needed.
- (6) Downtown meetings and presentations by the City parking manager about downtown parking to City business and civic groups upon request.

As the downtown CBD grows and adds developments to its core, it must grow its parking system as well. Currently most of the study area has generous quantities of parking both on and off street. To ensure that future developments do not negatively affect parking conditions, we recommend the City analyze each potential development to ensure adequate parking will be available upon its completion. This analysis includes taking into account any displaced or added parking, as well as new parking demand to the area.

The goal of these recommendations is to improve the current system to increase the level of customer satisfaction as well as to begin the process of adding value to the parking supply. To improve the overall parking operations of the City, Walker makes the following recommendations, which are separated into on-street, off-street, marketing and enforcement:

ON-STREET RECOMMENDATIONS

1. Due to the high percentage of users utilizing on-street parking, increased and improved wayfinding (signage) is needed to direct patrons to other parking options (parking lots and garages). Signage may even be targeted to specific end users (long-term parkers) to utilize off-street parking. Signage/wayfinding should be expanded to include pedestrian signs from the point of parking (garages and lots) to merchant/business locations.
2. No wholesale changes are recommended to the existing two-hour limits for on-street parking. The goal of the on-street supply is to make short-term parking readily available. Patrons should be encouraged to utilize off-street parking by adding increased signage notifying

RECOMMENDATIONS

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patrons of the two-hour limits. However, some modifications to allow for shorter term parking may be needed in front of high-turnover businesses, such as a drycleaners, which may require more 15-minute parking spaces.

OFF-STREET RECOMMENDATIONS

1. As the City grows and develops its parking assets, an important step is to review the system and update the procedures as necessary. This may include conducting an outside audit of the new facilities or a review of the parking supply and demand. As with any developing system, continual improvement in the process is important for positive change.
2. Educate planning officials and developers on the potential for Shared Parking and procedures for implementing it.
3. Signage/wayfinding should be expanded to include pedestrian signs from the point of parking to merchant/business locations.

MARKETING RECOMMENDATIONS

1. Implement an overall public relations and marketing campaign for Parking Services. Coordination of this effort with existing City departments is encouraged. Parking should be promoted in various media outlets and coordinated with known special events.
2. Establish dedicated funds for Parking Services marketing efforts. Promote parking operations by disseminating facts about parking downtown (number of spaces available, low crime rates, etc.).
3. Evaluate parking rates, based on demand and location and maintain rates current with market influences.
4. Improve the current website by incorporating intuitive commands. Incorporate the ability to search the website by address, which will then give the user the closest parking available. Utilize mapping technology to have interactive maps, with clickable links to parking locations.
5. Incorporate pictures on the website that will help patrons orient themselves from parking destinations. Pictures would show what is currently visible from each direction of the parking facility. This will aid the patron in determining where they should turn to reach their destination.

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ENFORCEMENT RECOMMENDATIONS

1. Implement a graduated fine to deter repeat violators and change parking behavior, thus freeing parking space in the study area for the intended users.
2. Utilize incentive based fines, whereas the maximum fine is listed as the penalty, however if the violator pays the fine within a certain grace period, the fine is reduced somewhat.

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WALKER
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February 25, 2011

Mr. Mark McDaniel
City Manager
The City of Tyler
212 N. Bonner Avenue
Tyler, Texas 75710

Re: *Proposals for Professional Consulting Services
Functional Design Alternatives
Tyler, Texas*

Dear Mr. McDaniel:

Walker Parking Consultants (Walker) is pleased to submit the following proposal to provide functional design alternatives for a parking garage in the downtown district of Tyler, Texas.

PROJECT UNDERSTANDING

Walker Parking Consultants, Inc. (Walker) recently completed a supply/demand, preliminary financial analysis and parking alternatives analysis for the City of Tyler in the downtown core. Based upon the findings, the City of Tyler has requested a proposal to begin the next steps in the development of a parking garage to promote economic growth and meet future parking demands in the downtown core.

Walker will develop functional design alternatives to aid the planning efforts of the City of Tyler in determining the optimal efficiency of the parking garage, identify the preferred method of vehicular circulation and entry/exit locations, and retail space location for a garage to be located at the corner of Elm St. and Broadway Ave.

SCOPE OF SERVICES

FUNCTIONAL DESIGN

1. Attend a kick-off meeting to confirm the program requirements of the project including stall size, user groups, local design codes, setbacks, retail shell space location, and pedestrian needs.
 - a. We will require a topographical survey in AutoCAD format (preferred) or scalable hard copy including: site set-backs, site dimensions, utilities, etc. prior to beginning our analysis of the area.
2. Confirm site dimensions from survey drawing.
3. Determine location of the structure on the site based upon the topographic survey.
4. Review points of parking structure ingress and egress with respect to traffic circulation and pedestrian flows, which would affect the operation of access points. Coordinate



with traffic department.

5. Up to two schemes will be developed in AutoCAD showing different circulation systems for the parking structure, if required. We will recommend a preferred scheme. The functional design(s) will consist of:
 - a. Preliminary parking layout including bay size, stall size, parking angle, turning radii,
 - b. Applicable LOS geometry,
 - c. Vertical vehicular circulation system,
 - d. Vehicular and pedestrian traffic flow,
 - e. Entry/exit location and quantity of lanes based upon anticipated access and revenue control system,
 - f. Slopes of parking and drive areas,
 - g. Suggest locations for stair/elevator towers,
 - h. Establish preliminary floor elevations by level.
6. Coordinate with City the preferred location for retail shell space on the ground level.
7. Provide an opinion of probable construction costs.
8. Provide a massing concept for the garage in relation to the adjacent buildings.
9. Provide photos of exterior façade treatment options from projects with similar downtown characteristics as Tyler.
10. Attend review meeting to discuss developed schemes and receive comments.
11. Refine schemes through the incorporation of comments received from the review session and provide final documents

PROFESSIONAL FEE

Once all requested information has been received, we anticipate three to four weeks will be required to provide a draft. We propose to perform the services described above for a lump sum fee of \$16,200 (Sixteen Thousand Two Hundred Dollars) plus reimbursable expenses. All services will be performed in accordance with attached General Conditions of Agreement.

We look forward to working with the City of Tyler on this project. The entire Walker Parking Consultants team is committed and available to provide the services listed in this proposal.

Sincerely,

WALKER PARKING CONSULTANTS

Casey Wagner
Vice President
Managing Principal

Chad Snyder
Parking Consultant

Enclosure: General Conditions for Consulting Services



Mr. Mark McDaniel
February 25, 2011
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AUTHORIZATION

Trusting that this meets with your approval, we ask that you sign both originals in the space below to acknowledge your acceptance of the terms contained herein, and to confirm your authorization for us to proceed. Please return one signed original of this agreement for our records.

The City of Tyler

Accepted by: _____

Title: City Manager

Date: _____

GENERAL CONDITIONS OF AGREEMENT

FOR CONSULTING SERVICES



SERVICES

Walker Parking Consultants ("WALKER") will provide the CLIENT professional services that are limited to the work described in the attached letter ("the services"). Any additional services requested will be provided at our standard hourly rates or for a mutually agreed lump sum fee. The services are provided solely in accordance with written information and documents supplied by the CLIENT, and are limited to and furnished solely for the specific use disclosed to us in writing by the CLIENT. No third-party beneficiary is contemplated. All documents prepared or provided by WALKER are its instruments of service, and any use for modifications or extensions of this work, for new projects, or for completion of this project by others without WALKER's specific written consent will be at CLIENT's sole risk.

PAYMENT FOR SERVICES

WALKER will submit monthly invoices based on work completed plus reimbursable expenses. Reimbursable expenses will be billed at 1.00 times the cost of travel and living expenses, purchase or rental of specialized equipment, photographs and renderings, document reproduction, postage and delivery costs, long distance telephone and facsimile charges, additional service consultants, and other project related expenses. Payment is due upon receipt of invoice. If for any reason the CLIENT does not deliver payment to WALKER within thirty (30) days of date of invoice, WALKER may, at its option, suspend or withhold services.

STANDARD OF CARE

WALKER will perform the services in accordance with generally accepted standards of the profession using applicable building codes in effect at time of execution of this Agreement. WALKER's liability caused by its acts, errors or omissions shall be limited to the fee or \$10,000, whichever is greater.

Any estimates or projections provided by WALKER will be premised in part upon assumptions provided by the CLIENT. WALKER will not independently investigate the accuracy of the assumptions. Because of the inherent uncertainty and probable variation of the assumptions, actual results will vary from estimated or projected results and such variations may be material. As such, WALKER makes no warranty or representation, express or implied, as to the accuracy of the estimates or projections.

PERIOD OF SERVICE

Services shall be complete the earlier of (1) the date when final documents are accepted by the CLIENT or (2) thirty (30) days after final documents are delivered to the CLIENT.