MOTION
NO. M-20-

BY: COUNCILMEMBER MORENO

WHEREAS, on June 10, 2004, the City of New Orleans (“City”) issued an Invitation to Bid, Proposal Number FTC-3162 “solicit[ing] bids for a franchise agreement to operate and maintain a pay telephone system using City equipment and facilities on City property and servitudes;” and

WHEREAS, MidCity PayPhone Company, Inc. (“MidCity”) responded to the invitation and was deemed qualified and eligible to receive the franchise; and

WHEREAS, on September 9, 2004, the Council approved Ordinance Number 21,668, M.C.S., attached hereto as Exhibit A, “granting a non-exclusive franchise to [MidCity] to construct, maintain, and operate pay telephone facilities and system;” and

WHEREAS, the franchise was granted for a period of fifteen (15) years ending September 30, 2019; and

WHEREAS, pursuant to Section 146-282 of the City Code, “Upon expiration of the duration of the privilege granted, the structure or service shall be removed from public property, and any existing utilities or structures shall be restored to their original good condition by the grantee, unless the council has granted an extension of the privilege by ordinance;” and

WHEREAS, the Council has not received a request to extend the existing franchise nor to authorize a new franchise; and

WHEREAS, the Council desires to remove non-operational payphone facilities from the public right-of-way; and

WHEREAS, according to the Louisiana Secretary of State, MidCity is no longer an active business operating in the State; NOW THEREFORE
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Law Department is directed to send a copy of this motion to MidCity PayPhone Company, Inc., C/O Ray L. Campo, Jr., 61159 W. Springmill Drive, Lacombe, Louisiana 70445, which shall serve as notice of the City’s intent to remove the facilities from the public right-of-way, and to make reasonable effort to recover the cost of such removal.

BE IT FURTHER MOVED, That the department of public works is directed to work with all necessary City departments and agencies to conduct an assessment of the facilities including the location and functionality of each facility, an estimate of the cost to remove inoperable facilities, a determination of whether the City can accomplish the removal of the inoperable facilities using internal resources or if an outside contractor would need to be procured. The department of public works shall submit the assessment to the Council along with a proposed schedule for removal within 90 days of approval of this motion.

BE IT FURTHER MOVED, That the department of public works is hereby authorized to remove any inoperable payphone facilities if it finds that such removal can be accomplished during the course of existing scheduled maintenance or cleaning of the right-of-way.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESTULTED AS FOLLOWS:

YEAS:

NAYS:

ABSENT:

AND THE MOTION WAS ADOPTED.