

**STUDY SESSION**  
**CALOP Commission**  
CITY HALL, Fifth Floor  
6801 Delmar Blvd., University City, Missouri 63130  
**Monday, May 12, 2025**  
**5:30 p.m.**

**AGENDA**

**1. MEETING CALLED TO ORDER**

At the Study Session of the City Council held on Monday, May 12, 2025, Mayor Terry Crow called the meeting to order at 5:30 p.m.

In addition to the Mayor, the following members of Council were present:

Councilmember Stacy Clay  
Councilmember John Tieman  
Councilmember Steven McMahon  
Councilmember Lisa Brenner  
Councilmember Dennis Fuller  
Councilmember Bwayne Smotherson

Also in attendance were City Manager, Gregory Rose and City Attorney, John Mulligan, Jr.

**2. CHANGES TO REGULAR AGENDA**

None

**3. Discussion and Direction on Repeal of Committee for Access and Local Origination Programming (CALOP) Ordinance and Allocation of Remaining Funding**

**Issues**

- CALOP was created in 1981 with the passage of ordinance #5284
- CALOP has not met in several months
- \$154,264 Remains in CALOP Account
- Legal Restrictions To Use of Funds

Mr. Rose stated he was the liaison for CALOP in 1997 when it had a funding source that was derived from the cable company. After CALOP lost that funding source, it became obvious to everyone involved that the ability to maintain this commission was going to be a struggle.

The City's records indicate that the CALOP Commission has not met since June of 2022, and because they don't really have a clear funding source, he believes it is time to generate discussions about what the next steps should be.

- **Should CALOP continue as a Commission?**
- **If not, where should the remaining funds be allocated?**

Mr. Rose stated that without a funding source he does not see a path forward, therefore, he would recommend that Council discontinue CALOP and authorize him to prepare an Ordinance to repeal Ordinance No. 5284.

Councilmember Brenner stated this option was discussed at CALOP's last meeting, and their plan was to try and spend down all the money they had left. So, she would agree with Mr. Rose's recommendation.

Councilmember Tieman stated that with Councilmember Smotherson's indulgence, it seems to him that a lot of what CALOP did could easily be shifted to the Arts & Letters Commission. Therefore, he would like Council to consider shifting some of those funds to them because he is concerned about the financial stability of the Leafy Fund that supports the City's public art initiatives. He stated this fund has given the City twenty-two works of art, most notably the Rain Man statue.

Councilmember Smotherson stated at their last meeting members of CALOP had decided to utilize some of the money to establish a fund for the high school. So, perhaps that could still be done and monitored by the Arts & Letters Commission. He stated the Leafy Fund is probably down to about \$7,000, so unless Wash U steps up to re-fund this program in a few years, the Committee on Public Arts will cease to exist.

Councilmember Clay asked if members of the CALOP Commission had articulated anything else regarding the disbursement of these funds?

Councilmember Fuller asked what the money had initially been designated for?

Mayor Crow stated that while he wants to respect the wishes of the Commission, the initial creation of this fund was for a different purpose, and at this point, the discretion for how it should be used resides with the Council. There have been several requests for these funds that CALOP could play a role in, but if Council agrees to repeal the Ordinance, then they should work with staff to come up with a plan for how the funds should be disbursed.

Councilmember Brenner stated she was the School Board member assigned to the CALOP Commission, and Debbie Chase; who is in attendance, worked with CALOP to create a \$50,000 scholarship fund where kids interested in the art of making video films could receive a \$2,000 scholarship. Which she also believes was CALOP's mission.

Mr. Rose stated he is hearing a consensus that moving forward with the preparation of an Ordinance to repeal Ordinance No. 5284 is acceptable. So, the other issue has to do with the use of funds, and he has asked Mr. Mulligan to give us some guidance on what CALOP's funds can be allocated to.

Mr. Mulligan stated that in January of 1981, the City entered into a Franchise Agreement with what was then known as Continental Cable Systems, which later became Charter. That agreement provided that a franchise fee be paid to the City, and that 2% of the gross revenues be placed into a fund for public education and governmental access to cable channels. Shortly after that, an Ordinance was passed creating the CALOP Commission to administer those funds. The Commission then developed guidelines for the use of those funds, which they would recommend to the City Council for approval to appropriate.

Mr. Mulligan stated CALOP operated in this manner for years, until in 2007 the Missouri Legislature passed the Video Service Providers Act, which essentially did away with local Franchise Agreements related to cable fees and provided for the issuance of a state-wide franchise. So, rather than applying with each city, cable companies were now required to go to the State's Public Service Commission and apply for a State-Wide Franchise, which capped the public educational and governmental fees at 5 percent. The Act also began to gradually phase out the PEG so that cities could no longer collect fees after their Franchise Agreement expired on January 1, 2012; whichever came first.

Mr. Mulligan stated that after checking with the Director of Finance, he determined that the last fee U City received for PEG was in early 2012 and that the ending balance from those funds; which had not been appropriated, is roughly \$154,000. The council may appropriate these funds for any PEG purpose related to services, programming, facilities, or equipment.

Therefore, if Council is inclined to repeal the Ordinance, CALOP would no longer exist, and as a Commission, the Ordinance could specify that the funds will be appropriated by Council for PEG purposes as applications are made and recommended by the City Manager through the normal appropriation process, or that all of the funds will be appropriated by Council through the normal appropriation process. The bottom line is that Council can make decisions on a continuous basis and not necessarily at the time the Ordinance repealing CALOP is adopted.

### **Next Steps**

- Prepare and present a proposed ordinance to repeal ordinance #5284
- Prepare and Present an Agenda Item for Consideration to Shift the CALOP Fund to a Use that Meets the Legal Requirements

Mr. Rose stated that if it is acceptable to the Mayor and Council, he intends to bring forward the Ordinance, and after consultation with Council and Mr. Mulligan, prepare a proposed budget allocating the remainder of those CALOP funds.

Mayor Crow stated CALOP has been around for a while, and many residents have a special affinity for what this Commission has accomplished over the years. So rather than rushing this process, he would encourage staff to communicate what is happening in the City's weekly newsletter to hopefully promote awareness and input on this issue.

However, once Council has made a decision, he would like to wind CALOP down completely and move on. Mayor Crow then asked Ms. Chase if she would like to add any additional comments?

### **Citizen Comments**

#### **Deb Chase**

Ms. Chase stated that she grew up and graduated from U City High School in 1984, and today, she is an independent contractor who assists the District with its fundraising efforts. As part of that, in 2022, Lisa asked her to work with the CALOP Commission to honor their intentions of allocating \$50,000 of the Commission's funds to create an ongoing scholarship for graduates of U City High School that had an interest in film or had shown a propensity for the arts in some type of post-secondary education. This was designed to be a renewable scholarship that would allow students to receive \$2,000 a year for up to four years of their post-secondary education. She stated it was created in a very professional manner, using the St. Louis Community Foundation to invest the \$50,000 into their pool of investments so that it would be earning interest. The District has utilized the St. Louis Community Foundation to execute a lot of its scholarships because of their formal application process and ability to take individual biases out of their assessments.

Ms. Chase thanked the Council for providing her with the opportunity to share the spirit advocated by the last members of CALOP.

#### **4. EXECUTIVE SESSION - (Roll call vote required)**

Motion to go into a Closed Session according to Missouri Revised Statutes 610.021 (1) Legal actions, causes of action, or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives or attorneys.

Councilmember Tieman moved to close the Study Session and go into a Closed Session, it was seconded by Councilmember McMahon.

Roll Call Vote Was:

**Ayes:** Councilmember Tieman, Councilmember McMahon, Councilmember Brenner, Councilmember Fuller, Councilmember Smotherson, Councilmember Clay, and Mayor Crow.

**Nays:** None.

**5. ADJOURNMENT**

Mayor Crow thanked everyone for their participation and closed the Study Session at 5:51 p.m. to go into a Closed Session on the second floor. The Closed Session reconvened in an open session at 6:23 p.m.

LaRette Reese  
City Clerk, MRCC