



**TUALATIN CITY COUNCIL
AND
TUALATIN DEVELOPMENT COMMISSION**
Monday, November 24, 2008

City Council Chambers
18880 SW Martinazzi Avenue, Tualatin, Oregon

WORK SESSION begins at 5:00 p.m.

REGULAR MEETING begins at 7:00 p.m.

Mayor Lou Ogden

Council President Ed Truax
Councilor Chris Barhyte
Councilor Monique Beikman

Councilor Bob Boryska
Councilor Jay Harris
Councilor Donna Maddux

WELCOME! By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for citizen comments on its agenda – Item C, following Presentations, at which time citizens may address the Council concerning any item not on the agenda, with each speaker limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the world wide web at www.ci.tualatin.or.us, at the Library located at 8380 SW Nyberg Street, and are also on file in the Office of the City Manager for public inspection. Any person who has any question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact Administration at 503.691.3011 (voice) or 503.692.0574 (TDD). Notification thirty-six (36) hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Council meetings are televised “live” on the day of the meeting on Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org.

Your City government welcomes your interest and hopes you will attend the City of Tualatin City Council meetings often.

- SEE ATTACHED AGENDA -

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

A “legislative” public hearing is typically held on matters which affect the general welfare of the entire City rather than a specific piece of property.

1. The Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. The Council then asks questions of staff, the applicant or any member of the public who testified.
5. When the Council has finished its questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either approve, deny, or “continue” the public hearing.

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

A “quasi-judicial” public hearing is typically held for annexations, planning district changes, variances, conditional use permits, comprehensive plan changes, and appeals from subdivisions, partitions and architectural review.

1. The Mayor opens the public hearing and identifies the case to be considered.
2. A staff member presents the staff report to the Council.
3. Public testimony is taken:
 - a) In support of the application
 - b) In opposition or neutral
4. The Council then asks questions of staff, the applicant or any member of the public who testified.
5. When the Council has finished its questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either approve, approve with conditions or deny the application, or “continue” the public hearing.

TIME LIMITS

The purpose of time limits on public hearing testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 10 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

Executive session is a portion of the Council meeting that is closed to the public to allow the Council to discuss certain confidential matters. No decisions are made in Executive Session. The City Council must return to the public session before taking final action.

The City Council may go into Executive Session under the following statutory provisions to consider or discuss: *ORS 192.660(2)(a)* the employment of personnel; *ORS 192.660(2)(b)* the dismissal or discipline of personnel; *ORS 192.660(2)(d)* labor relations; *ORS 192.660(2)(e)* real property transactions; *ORS 192.660(2)(f)* non-public information or records; *ORS 192.660(2)(g)* matters of commerce in which the Council is in competition with other governing bodies; *ORS 192.660(2)(h)* current and pending litigation issues; *ORS 192.660(2)(i)* employee performance; *ORS 192.660(2)(j)* investments; or *ORS 192.660(2)(m)* security issues. **All discussions within this session are confidential.** Therefore, nothing from this meeting may be disclosed by those present. News media representatives are allowed to attend this session (unless it involves labor relations), but shall not disclose any information discussed during this session.



A. CALL TO ORDER
Pledge of Allegiance

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. 5-Year Service Award for Kent Barker
2. 30-Year Service Award for Dan Boss
3. National League of Cities Conference Recap - *Youth Advisory Committee*
4. Starry Nights and Holiday Lights Presentation
5. Get Out Activity Guide Presentation – *Carl Switzer*

C. CITIZEN COMMENTS

This section of the agenda allows citizens to address the Council regarding any issue not on the agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

D. CONSENT AGENDA (Item Nos. 1 – 8)

Page #

The Consent Agenda will be enacted with one vote. The Mayor will first ask the staff, the public and the Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under "Items Removed from the Consent Agenda." At that time, any member of the audience may comment on any item pulled from the Consent Agenda. The entire Consent Agenda, with the exception of items removed to be discussed under "Items Removed from the Consent Agenda," is then voted upon by roll call under one motion.

1. Approval of Minutes for the Meeting of November 10, 2008.....5
2. Fiscal Year 2007/2008 Water System Development Charge (SDC) Report 8
3. Resolution No. 4844-08 Awarding Bid for the Water Pipeline Undercrossing of 11
I-5 at Norwood Road
4. Resolution No. 4845-08 Accepting Public Improvements for 21527 SW 99th Avenue 15
Residential Driveway Replacement
5. Resolution No. - - - Authorizing a Revocable Permit to Allow a Fence in Tract Q 17
in the Victoria Woods No. 3 Subdivision
[removed from the agenda in its entirety]
6. Resolution No. - - - Authorizing Installation of a No Parking Zone on Both Sides24
of SW Boones Ferry Road from SW Ibach Street to
SW Norwood Road
[removed from the agenda in its entirety]

(D. CONSENT AGENDA – continued)

- 7. Resolution No. 4846-08 Accepting a Continuing Control Agreement for the28
Westside Express Service Wilsonville to Beaverton
Commuter Rail Project
- 8. Citizen Involvement Committee Appointments36a

E. PUBLIC HEARINGS – Legislative or Other

- 1. Change of Ownership Liquor License Application – Stars Cabaret-Bridgeport37

F. PUBLIC HEARINGS – Quasi-Judicial

None.

G. GENERAL BUSINESS

None.

H. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

I. COMMUNICATIONS FROM COUNCILORS

J. EXECUTIVE SESSION

K. ADJOURNMENT



Lake Oswego School District

2455 Country Club Road
P.O. Box 70
Lake Oswego, OR 97034-0070
503-534-2000

Handed out by
Linda Brown
Cncl Mtg 11/24/2008

November 20, 2008

Oregon Liquor Control Commission
ATTN: Charles Ellis
PO Box 2297
Milwaukie, OR 97269

To Whom It May Concern:

At a meeting of the Lake Oswego School Board on Monday, September 22, the Board unanimously moved that it recommend to the OLCC that the commissioners deny the application for a liquor license by SCTO, Inc. (Starts Cabaret-Bridgeport).

Of significant concern to the Board is the proximity of the proposed business to many established businesses and facilities that serve a significant number of children in our community, including the residential neighborhood surrounding River Grove Elementary School on McEwan Road, and the many family-oriented establishments around the intersection of Lower Boones Ferry Road and McEwan Road. The Little Gym and 24-Hour Fitness, both located within 500 feet of the proposed business, are frequented by thousands of children every month. In all likelihood, if the application for a liquor license from SCTO, Inc. is granted, the new business would have an adverse impact on established area businesses catering to and frequented by many children.

In addition, the Board recommends that the OLCC deny this application due to concerns regarding the increase in response the new business would likely require from the Lake Oswego Police Department. The City of Lake Oswego and the City of Tualatin have a reciprocal agreement for police coverage; given the proximity of the proposed business to the City of Lake Oswego, the police departments from both cities would be impacted by the anticipated increase in incidents requiring police response.

The Lake Oswego School Board appreciates the OLCC's consideration of these concerns.

Sincerely,

Handwritten signature of Deborah M. Lopardo in cursive.

Deborah Lopardo
Chairperson, Lake Oswego School Board

Cc: Tualatin City Council
Lake Oswego School Board

CITY COUNCIL MEETING SIGN-UP SHEET

PLEASE COMPLETE TO GIVE TESTIMONY

DATE: Nov. 24, 2008 - pg. 21

PLEASE LIMIT TESTIMONY TO THREE MINUTES

PLEASE PRINT CLEARLY

NAME	ADDRESS	REPRESENTING (if applicable)	AGENDA ITEM(S)	PROPONENT (if applicable)	OPPONENT (if applicable)
Jim BEHAWT	Po Box 1233, Le Roy, IL	CHAIRMAN	Supervisor of letters		
Kathie Kira					
Randy KRISER		STARS - BEIDGERS	STARS - RAIDERS		
Emile Bonfiglio	6135 McEWAN RD				
Douglas STANLEY	18200				
Peter Klacke		Rosewood CR/NA	Stars		
Bon Miller		Miller House			
Ernest Miller					
Linda Brown	17917 Kelok Rd Lake Oswego	Lake Oswego School Board	Stars		

CITY COUNCIL MEETING SIGN-UP SHEET

PLEASE COMPLETE TO GIVE TESTIMONY

DATE: Nov. 24, 2008 - pg. 2

PLEASE LIMIT TESTIMONY TO THREE MINUTES

PLEASE PRINT CLEARLY

NAME	ADDRESS	REPRESENTING <i>(if applicable)</i>	AGENDA ITEM(S)	PROPONENT <i>(if applicable)</i>	OPPONENT <i>(if applicable)</i>
Jeff Kleimann	1207 SW 6 St Port - 92204	—	E1		X
Katie Webb	435 SW Breeding Ln Tigard, OR 97134	Little Gyrs (patron)	E1		X
/u					



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council

Date 11/24/2008

Recording Secretary [Signature]

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager [Signature]

DATE: November 24, 2008

SUBJECT: APPROVAL OF THE MINUTES FOR THE MEETING OF
NOVEMBER 10, 2008

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the City Council Meeting of November 10, 2008.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

FINANCIAL IMPLICATIONS:

There are no financial impacts associated with this item.

Attachments: Minutes



TUALATIN CITY COUNCIL MINUTES OF NOVEMBER 10, 2008

PRESENT: Mayor Pro tem Ed Truax; Councilors Chris Barhyte, Monique Beikman, Bob Boryska, Jay Harris, and Donna Maddux; Mike McKillip, Acting City Manager; Brenda Braden, City Attorney; Doug Rux, Community Development Director; Dan Boss, Operations Director; and Maureen Smith, Recording Secretary

ABSENT: Mayor Lou Ogden* [** denotes excused*]

Mayor Pro tem Truax called the meeting to order at 7:00 p.m.

[Unless otherwise noted, MOTION CARRIED indicates all in favor.]

(NOTE: There was no work session held prior to this meeting)

A. CALL TO ORDER

Councilor Barhyte led the Pledge of Allegiance.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

None.

C. CITIZEN COMMENTS

None.

D. CONSENT CALENDAR

MOTION by Councilor Harris SECONDED by Councilor Boryska to adopt the Consent Agenda Barhyte as read:

1. Approval of Minutes for the Special Meeting of October 16, 2008 and the Meeting of October 27, 2008
2. Resolution No. 4843-08 Authorizing a Revocable Permit for a Sign in the Public Right-of-Way of SW McEwan Road
3. Approval of Change of Ownership Liquor License for Birra Deli (*formerly New York NY Fresh Deli*)

MOTION CARRIED.

E. PUBLIC HEARINGS – Legislative or Other

None.

Approved By Tualatin City Council

Date 11/24/2008Recording Secretary J. Borska**F. PUBLIC HEARINGS – Quasi-Judicial**

None.

G. GENERAL BUSINESS

1. Ordinance No. 1272-08 Removing Residential Minimum Density Requirements; Amending TDC 5.040, 36.160, 36.162, 36.242, 40.015, 40.050, 41.015, 42.015, 43.015 and 44.015 (PTA-08-05)

MOTION by Councilor Borska, SECONDED by Councilor Harris for a first reading by title only. MOTION by Councilor Borska, SECONDED by Councilor Harris for a second reading by title only. The poll was unanimous. *[Ogden absent.]* **MOTION CARRIED.** MOTION by Councilor Borska, SECONDED by Councilor Harris to adopt the ordinance as presented. **MOTION CARRIED.**

2. Ordinance No. 1273-08 Relating to Traffic; Adopting the State of Oregon Vehicle and Violations Codes; and Amending TMC 8-3-070, 8-3-130

MOTION by Councilor Borska, SECONDED by Councilor Harris for a first reading by title only. MOTION by Councilor Borska, SECONDED by Councilor Harris for a second reading by title only. The poll was unanimous. *[Ogden absent.]* **MOTION CARRIED.** MOTION by Councilor Borska, SECONDED by Councilor Harris to adopt the ordinance as presented. **MOTION CARRIED.**

H. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

I. EXECUTIVE SESSION

None.

J. COMMUNICATIONS FROM COUNCILORS

None.

K. ADJOURNMENT

The meeting adjourned at 7:04 p.m.

Mike McKillip, Acting City Manager

Recording Secretary Maureen Spind



STAFF REPORT

CITY OF TUALATIN

315-SA
Approved By Tualatin City Council

Date 11/24/2008

Recording Secretary g. Kirby

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *[Signature]*

FROM: Michael A. McKillip, City Engineer *mk*

DATE: ~~December 8, 2008~~ November 24, 2008

SUBJECT: FISCAL YEAR 2007/2008 WATER SYSTEM DEVELOPMENT CHARGE (SDC) REPORT

ISSUE BEFORE THE COUNCIL:

In 1991, Ordinance 833-91 established the System Development Charge (SDC) for connection to the City's water system. The attached report fulfills the requirement of ORS 223.311 to give an annual accounting of the SDC and to recommend any changes to the City's water SDC ordinance.

RECOMMENDATION:

It is recommended the Council accept the attached report. No change to methods, procedures, or fees is recommended at this time.

EXECUTIVE SUMMARY:

- In FY 07/08, the amount of water SDCs collected was \$298,303.
- These funds were used for water system improvements and capital projects totaling \$295,214.43.

FINANCIAL IMPLICATIONS:

This revenue and capital project expenses are reflected in the FY 08/09 Budget in the Water/SDC Fund #32 beginning balance.

Attachments: Report

FISCAL YEAR 2007/2008

WATER SYSTEM DEVELOPMENT CHARGE (SDC) REPORT

Introduction

In 1991, the City of Tualatin adopted Ordinance 833-91, which established a System Development Charge (SDC) for connection to the City of Tualatin water system. This SDC fee was based on projected needs of the system and the portion of the system's projected needs that were attributable to growth in the City which placed an additional demand on the water system.

Purpose

The purpose of this report is to fulfill the requirements of ORS 223.311, which requires an annual accounting of SDCs to be performed, and to recommend any changes in the water SDC as adopted by the City of Tualatin.

Revenue

During the period of this report (July 1, 2007 to June 30, 2008) the City of Tualatin collected **\$ 298,303.00** in water SDC fees in accordance with Ordinance 833-91. Interest earned on the SDC fees was **\$ 10,782.45**. These fees were collected by meter sizes as shown:

Meter Size	No. of Meters	Total SDC Collected
3/4" x 5/8"	42	\$ 128,838.00
1"	6	\$ 46,158.00
1-1/2"	3	\$ 46,249.00
2"	0	\$ 612.00
3"	0	\$ -
4"	1	\$ 76,446.00
Totals	52	\$ 298,303.00

Credits

No applications for credits were received towards the payment of water SDC in fiscal year 2007/2008.

Expenditures

The water SDC fees were determined by the ordinance methodology and retained in the Water/SDC Fund. Any unspent funds are available to be used on projects in the next fiscal year and will become part of the beginning fund balance.

Projects funded in fiscal year 2007/2008 by the water SDC revenues were as follows:

Project		SDC Amount
WD0001	A2 Reservoir	6,578.78
WD0401	ASR Production Well Dev	120,084.06
WD0701	Iowa Drive Waterline	56,472.26
WD0801	Install 12" Line/Norwood	69,612.28
WD0802	Norwood Pump Station	42,467.05
Total		\$ 295,214.43

Recommendation

It is recommended the Council accept this report and have the City Engineer continue to monitor issues that may arise and review their impact on the water SDC fees. No change to methods, procedures or fees as outlined in Ordinance 833-91 is recommended at this time.



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council

Date 11/24/2008

Recording Secretary g Kirby

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Michael A. McKillip, City Engineer 
Kaaren Hofmann, Civil Engineer 

DATE: November 24, 2008

SUBJECT: RESOLUTION AWARDING BID FOR THE WATER PIPELINE UNDERCROSSING OF I-5 AT NORWOOD ROAD

ISSUE BEFORE THE COUNCIL:

Awarding the Water Pipeline Undercrossing of I-5 at Norwood Road project to Landis & Landis Construction.

RECOMMENDATION:

Staff recommends that the Council adopt the attached resolution awarding the Water Pipeline Undercrossing of I-5 at Norwood Road project and authorizing the Mayor to execute a contract with Landis & Landis Construction in the amount of \$386,225.00.

EXECUTIVE SUMMARY:

- The budget contains a project to replace 800 linear feet of 12-inch ductile iron water transmission pipeline, including two interconnections to existing 12-inch water transmission pipelines. The project also contains 210 linear feet of 24-inch casing undercrossing beneath Interstate 5.
- Currently, an 8-inch-diameter pipe crosses I-5 on SW Norwood Road. This project would parallel this crossing with a new 12-inch-diameter pipeline. This improvement would provide a redundant connection to the Frobase Reservoir and would increase the capacity of the I-5 crossing.
- This project will provide Service Level C fire flow and capacity for future growth and redundancy in case of earthquakes.
- The Invitation to Bid was published in the *Daily Journal of Commerce* on October 27 and 31, 2008.

- The bids for this project were opened on Thursday, November 6, 2008 at 2:30 p.m. nine bidders responded as follows:

Landis & Landis Construction	\$386,225.00
C & M Construction	\$389,873.00
Rutan Construction	\$390,087.49
Emery & Sons Construction	\$393,209.00
Civil Works NW	\$404,153.00
Moore Excavation	\$409,918.00
Kerr Contractors	\$412,735.00
James W Fowler Co.	\$434,722.00
Dunn Construction Inc.	\$444,915.00

- The Engineer's Estimate for the work was \$598,986.00.
- The lowest responsible bidder is Landis & Landis Construction at \$386,225.00.

OUTCOMES OF DECISION:

Awarding of the contract will result in the following:

1. Construction of the proposed project will provide the following:
 - a. Parallel crossing of I-5 with a new 12-inch diameter water pipeline.
 - b. Redundant connection to the Frobase Reservoir and increase the capacity of the I-5 crossing.
 - c. Increase Service Level C fire flow.

Not awarding the contract will result in the following:

1. All work on the project will stop.
2. Fire flows in Service Level C would become an issue.

FINANCIAL IMPLICATIONS:

Funds are available for this project in the Water System Development Charges Fund.

- Attachments:**
- A. Resolution
 - B. Project Site Map

RESOLUTION NO. 4844-08

RESOLUTION AWARDING BID FOR THE WATER PIPELINE
UNDERCROSSING OF I-5 AT NORWOOD ROAD

WHEREAS the project was advertised in the *Daily Journal of Commerce* on October 27 and 31, 2008; and

WHEREAS nine proposals were received prior to the close of the bid period on November 6, 2008; and

WHEREAS Landis & Landis Construction submitted the lowest responsible bid for the project in the amount of \$386,225.00; and

WHEREAS there are funds available for this project in the Water System Development Charges Fund.

BE IT RESOLVED BY THE CITY COUNCIL, CITY OF TUALATIN, OREGON, that:

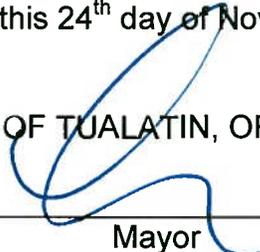
Section 1. The contract is awarded to Landis & Landis Construction.

Section 2. The Mayor and City Recorder are authorized to execute a contract with Landis & Landis Construction in the amount of \$386,225.00.

Section 3. The City Engineer is authorized to execute Change Orders totaling up to 10% of the original contract amount.

INTRODUCED AND ADOPTED this 24th day of November 2008.

CITY OF TUALATIN, OREGON

By  _____
Mayor

APPROVED AS TO LEGAL FORM



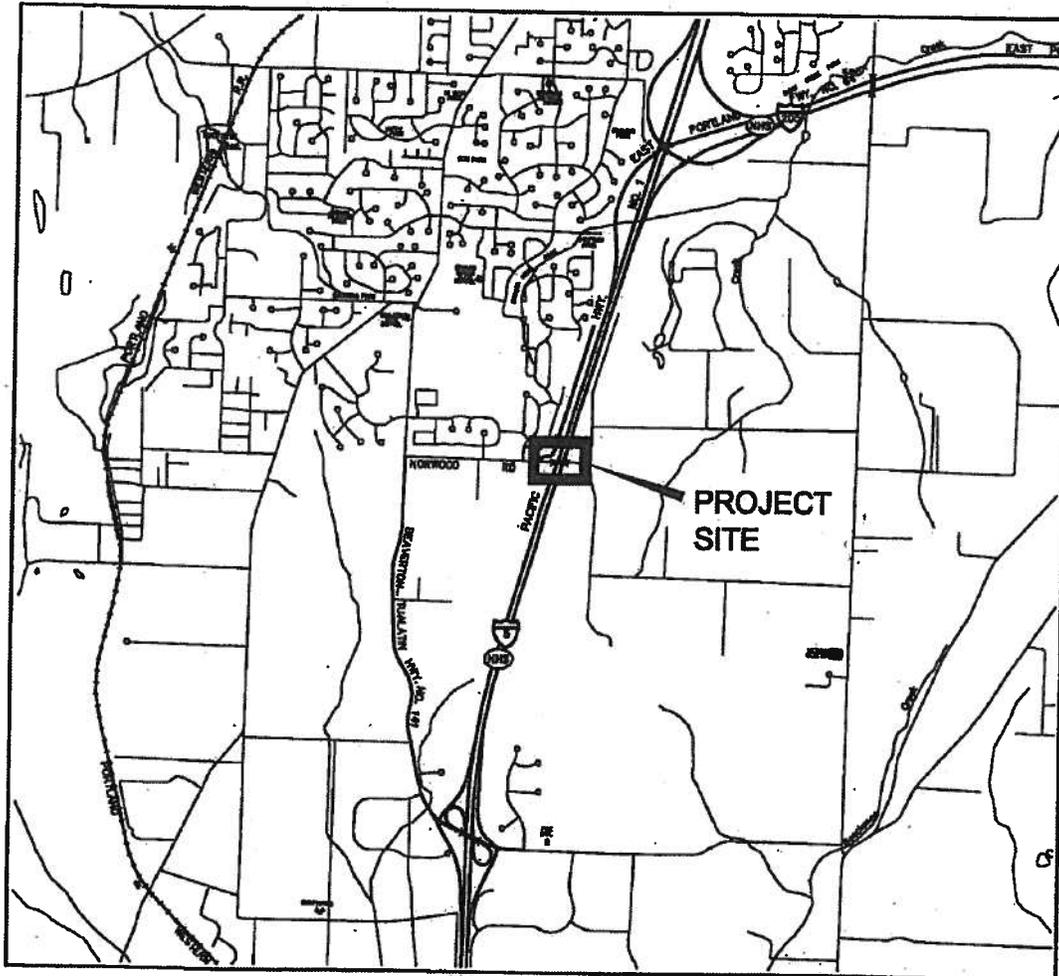
CITY ATTORNEY

ATTEST:

By  _____
City Recorder

PROJECT SITE MAP

FOR THE WATER PIPELINE UNDERCROSSING OF I-5 AT NORWOOD ROAD



SITE MAP



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council

Date 11/24/2008

Recording Secretary J. Kirby

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *MAG*
Stephen Ngai, Engineering Technician II *SN*

DATE: November 24, 2008

SUBJECT: RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS
FOR 21527 SW 99TH AVENUE RESIDENTIAL DRIVEWAY
REPLACEMENT

ISSUE BEFORE THE COUNCIL:

Acceptance of residential driveway public improvement constructed at 21527 SW 99th Avenue.

RECOMMENDATION:

Staff recommends that the Council adopt the attached resolution approving and accepting the constructed public improvements.

EXECUTIVE SUMMARY:

All public improvements were constructed as part of residential driveway replacement.

The improvements were done as required by the Public Facilities Decision issued on September 2, 2008, and have been satisfactorily completed.

FINANCIAL IMPLICATIONS:

There are no impacts on utility funds as a result of this work.

Attachments: A. Resolution

M:/STAFF REPORTS/112408 PI Accept PWP0815

RESOLUTION NO. 4845-08

RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS FOR
21527 SW 99TH AVENUE RESIDENTIAL DRIVEWAY
REPLACEMENT

WHEREAS the City of Tualatin, hereinafter referred to as CITY, issued Ron Eilers, hereinafter referred to as DEVELOPER, Public Works Construction Permit No. 08-15 to construct the residential driveway replacement at 21527 SW 99th Avenue; and

WHEREAS DEVELOPER has constructed said required public improvements to standards required by CITY, and now desires to have CITY accept said improvements; and

WHEREAS CITY staff has inspected and recommends approval and acceptance of all public improvements; and

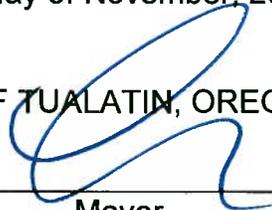
WHEREAS it is in the public interest that CITY accept said improvements.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The subject improvements are hereby approved and accepted by the CITY.

INTRODUCED AND ADOPTED this 24th day of November, 2008.

CITY OF TUALATIN, OREGON

By  _____
Mayor

ATTEST

By  _____
City Recorder

Approved as to legal form:



City Attorney

Resolution No. 4845-08



STAFF REPORT CITY OF TUALATIN

Approved By Tualatin City Council

Date 11/24/2008

Recording Secretary g Kirby

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael McKillip, City Engineer *MMK*
Dayna Webb, Project Engineer *DW*

DATE: November 24, 2008

SUBJECT: RESOLUTION ACCEPTING A CONTINUING CONTROL AGREEMENT FOR THE WESTSIDE EXPRESS SERVICE WILSONVILLE TO BEAVERTON COMMUTER RAIL PROJECT

ISSUE BEFORE THE COUNCIL:

Consideration of whether the Council should approve a Continuing Control Agreement with TriMet for the Westside Express Service (WES) over the Commuter Rail alignment located in the City.

RECOMMENDATION:

Staff recommends that the Council adopt the attached resolution accepting a Continuing Control Agreement for the Westside Express Service – Wilsonville to Beaverton Commuter Rail Project and authorize the Mayor to sign.

EXECUTIVE SUMMARY:

This agreement allows for the following:

- TriMet's continuing control over the WES alignment and real property where it is located on City property.
- Satisfy the requirement of the Federal Transit Administration (FTA) for continuing control as set forth in 49 U.S.C. § 5307(d)(1)(B).
- The City grants to TriMet a permanent permit over, under, and above only those portions of the City's public right-of-way upon which the Project's facilities, features, or both are sited, that are needed for the purpose of construction, operation, and maintenance of the project.
- This agreement will be in perpetuity and irrevocable, except that in the event TriMet permanently ceases to operate the project on the property, then the City may revoke these continuing control rights and require TriMet to restore the Property to its original condition.

- This Agreement is to enable TriMet to construct, maintain, and operate the project in accordance with project plans and specifications and the terms of this Agreement. Because the project is to be constructed utilizing, in part, federal funds provided to TriMet by FTA pursuant to the FFGA No. OR-03-0107-04, the federal government retains a continuing interest in all structures, equipment, and other facilities acquired or constructed with federal funds that may be located in or upon the property.
- TriMet will have the right to construct, maintain, and operate the project on the property, but must cause its contractor to obtain an access permit from the City prior to any construction. The City will have the right to review the construction plans and specifications for any construction to occur on the property and for structures partially or entirely located on the Property.
- The City can not charge TriMet or the project a fee for use of or access to the property. However, the parties agree that if TriMet were to pay for the property, the payments would be costs allowable under a Federal grant. In consideration for these continuing control rights, TriMet is agreeing to maintain the property in a reasonable operating condition that does not threaten the health or safety of the general public so as long as it operates under this Agreement.

OUTCOMES OF DECISION:

Authorizing the Continuing Control Agreement will result in the following:

- WES will have the ability to begin operations on schedule

Not authorizing the Continuing Control Agreement will result in the following:

- WES will not be able to begin operations on schedule

Attachments: A. Resolution
 B. Agreement

RESOLUTION ACCEPTING CONTINUING CONTROL
AGREEMENT FOR THE WESTSIDE EXPRESS SERVICE
WILSONVILLE TO BEAVERTON COMMUTER RAIL PROJECT

WHEREAS the City agrees to TriMet's continuing control over the alignment and real property associated with the Commuter Rail Westside Express Service (WES) project located in the City; and

WHEREAS such continuing control is required to satisfy the requirement of the Federal Transit Administration (FTA) in 49 U.S.C. § 5307(d)(1)(B); and

WHEREAS the City grants to TriMet a permanent permit for its WES operation; and

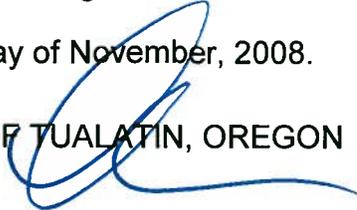
WHEREAS the agreement will enable TriMet to construct, maintain and operate the project.

BE IT RESOLVED BY THE CITY COUNCIL, CITY OF TUALATIN, OREGON that:

Section 1. The City of Tualatin authorizes the attached Agreement for the purpose of allowing Continuing Control for the Westside Express Service Commuter Rail project, and the Mayor is authorized to sign the Agreement.

ADOPTED AND APPROVED this 24th day of November, 2008.

CITY OF TUALATIN, OREGON

By 

Mayor

ATTEST:

By 

City Recorder

Approved as to Form:



City Attorney

**TRIMET/CITY OF TUALATIN
CONTINUING CONTROL AGREEMENT
WESTSIDE EXPRESS SERVICE/WILSONVILLE TO BEAVERTON
COMMUTER RAIL PROJECT**

This continuing control agreement (the "Agreement") is made and entered into by and between Tri-County Metropolitan Transportation District of Oregon, a mass transit district organized under the laws of the State of Oregon ("TriMet"), and the City of Tualatin, a municipality in the State of Oregon ("City") (jointly referred to herein as "the Parties"), as of the effective date shown below.

RECITALS

A. In 1996, Washington County ("County"), the cities of Beaverton, Tigard, Tualatin, Wilsonville, and Sherwood, and TriMet, Metro and the Oregon Department of Transportation ("ODOT") began studying the feasibility of a commuter rail line in a branch rail corridor (which corridor runs in part over real property owned by the City) that parallels Interstate 5 and Oregon Highway 217 between Wilsonville and Beaverton (the "Project").

B. In September 1999, the County, under the oversight of the Federal Transit Administration ("FTA"), began alternatives analysis and an environmental assessment process required by the National Environmental Policy Act of 1970 ("NEPA"). An extensive public involvement process was undertaken, which resulted in an indication of public and business support for the Project.

C. In May 2000, the Wilsonville-to-Beaverton Transit Center alignment was selected as the locally preferred alternative including the rail line along SW Lombard Avenue between SW Farmington Road and the Beaverton Transit Center.

D. Final environmental assessment was published on January 23, 2001, followed by a Finding of No Significant Impact ("FONSI") issued by FTA on March 22, 2001 with an addendum issued on April 9, 2001. On May 7, 2004, FTA authorized the commencement of final design, and the Project now is nearly complete with an expected opening for revenue service in early 2009.

E. On October 30, 2006, TriMet entered into a Full Funding Grant Agreement ("FFGA") with FTA for acquisition, construction, operation, and maintenance of the Project.

F. Upon completion of construction of the Project, TriMet intends to commence commuter rail service to areas under City's jurisdiction.

G. The Parties now desire to enter into this Agreement for TriMet's continuing control over the alignment and real property located in the City. The Parties have the authority to enter into Intergovernmental Agreements pursuant to ORS Chapter 190.

NOW THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is agreed by and between the Parties as follows:

AGREEMENT

1. To satisfy the continuing control requirements of the FTA as set forth in 49 U.S.C. § 5307(d)(1)(B), the City hereby grants to TriMet a permanent permit over, under, and above only those portions of the City's public right-of-way upon which the Project's facilities, features, or both are sited (the "Property"), which Property is needed for the purpose of construction, operation, and maintenance of the Project. Subject to the terms of this Agreement, the City agrees to take no action that would interfere with TriMet's continuing control of the Project structures, equipment, or facilities, provided that use by TriMet will be subject to the City's permit process with respect to construction and maintenance within the Property as provided in this Agreement. This grant will be in perpetuity and irrevocable, except that in the event TriMet permanently ceases to operate the Project on the Property, then the City may revoke the continuing control rights granted herein and require TriMet to restore the Property to its original condition.

2. The Parties agree that the purpose of this Agreement is to enable TriMet to construct, maintain, and operate the Project in accordance with Project plans and specifications and the terms of this Agreement. The Parties agree that the Project is to be constructed utilizing, in part, federal funds provided to TriMet by FTA pursuant to the FFGA No. OR-03-0107-04, and that the federal government retains a continuing interest in all structures, equipment, and other facilities acquired or constructed with federal funds that may be located in or upon the Property generally shown in Exhibit 1. TriMet's interest in the Property may not be assigned or transferred without FTA's written concurrence.

3. The City shall retain ownership of the Property and, to the extent permitted by 49 U.S.C. § 5307(d)(1)(B), control of utility easements, property leases, private crossing agreements, and utility franchise rights.

4. TriMet shall have the right to construct, maintain, and operate the Project on the Property, provided that TriMet shall cause its contractor to obtain an access permit from the City prior to any construction. The City will have the right to review the construction plans and specifications for any construction to occur on the Property and for structures partially or entirely located on the Property.

5. The City shall not charge TriMet or the Project a fee for use of or access to the Property. However, the Parties acknowledge and agree that if TriMet were to pay for

the Property, the payments would be costs allowable under a Federal grant. In consideration for the continuing control rights granted herein, TriMet agrees to maintain the Property in a reasonable operating condition that does not threaten the health or safety of the general public so long as it operates under this Agreement.

6. The Parties do not anticipate that any ordinances, rules, or regulations are necessary to effectuate the rights granted by this Agreement. However, if the Parties determine that ordinances, rules or regulations regarding TriMet's authority to construct, operate, and maintain the Project are necessary, the City shall give TriMet an opportunity to review and be heard on the contents prior to the City adopting or amending such ordinances, rules, or regulations.

To the extent not provided in existing ordinances, rules, or regulations, to satisfy the continuing control requirements granted herein, the City shall:

- A. Restrict interference with operation of the Project caused by construction and maintenance activities of private parties on private property and public right-of-way to only temporary interference necessitated by construction activity of the City or others.
- B. Allow TriMet to review and comment on design plans and specifications before permitting construction of any private property driveways or other access ways that turn into or intersect the Project Property. The City shall not approve any plan or specification that would prohibit TriMet from operating commuter rail on the Property or Project alignment.
- C. Allow TriMet to review and comment on design plans and specifications before constructing any street or way that turns into or intersects the Project Property. The City shall not approve any plan or specification that would prohibit TriMet from operating commuter rail on the Property or Project alignment.
- D. Restrict traffic and other street uses within the Commuter Rail corridor to protect the commuter rail line from interference by parked or other encroaching vehicles, and to protect the commuter rail line from other interference. Except for parking in designated spaces at the Commuter Rail Project's Tualatin Park & Ride Lot, parking immediately adjacent to the commuter rail line must be prohibited.
- E. Notify TriMet of any proposed future changes by the City, or which are proposed to be approved through permit by the City, including traffic control measures, that may affect the operation and continuing control of the Commuter Rail alignment, and work with TriMet to mitigate the impact of such change on operation of the system.

- F. Require any utility construction within the Commuter Rail corridor to use methods that, to the extent feasible, allow Commuter Rail system operations to continue during construction.
- G. Grant authority to TriMet to have immediate access to the Commuter Rail system in order to perform all required construction, operation, and maintenance of the system, subject to the City's design review and permitting process, which may include reasonable and necessary conditions of approval, provided that such process will not prevent the implementation and continuing control of the Project.

7. The Parties understand that temporary interferences for emergencies, construction repairs, and maintenance of the City streets and other public or private facilities, parades, or civic events may occur, provided that the City shall, except in emergency situations where no notice is feasible, provide TriMet with reasonable notice of temporary interference and shall cooperate with TriMet representatives to minimize the interference and, if possible for portions of the Commuter Rail alignment that are double-track, provide that only one track is affected by the interference at any one time.

8. This Agreement, including any interests herein, must not be assignable without the City's prior written consent. However, if any public body acquires or succeeds TriMet, TriMet's interest, right, and obligations created by this Agreement will be assignable by TriMet, with FTA written approval, to the public body that acquires or succeeds TriMet.

9. All notices required under this Agreement will be deemed to be properly served if sent by U.S. mail to the last representative of the Party identified below in this paragraph. Until hereafter changed by the Parties by notice in writing, notices must be sent:

IF TO THE CITY:

City Engineer
City of Tualatin
18880 SW Martinazzi
Tualatin, OR 97062

IF TO TRIMET:

Manager of Real Property Acquisition
TriMet
Capital Projects and Facilities Division
710 NE Holladay St.
Portland, OR 97232

10. Any modification to this Agreement must be mutually agreed upon and reduced to writing, and will not be effective until signed by the Parties hereto.

11. The Parties agree that each party and its respective successors or assigns may avail itself of any remedy at law or in equity to enforce or preserve the rights conferred and obligations assumed by the respective parties herein, and to obtain compensation for any damages or loss incurred as a result of breach by the other party of any provision contained herein.

12. This Agreement will be effective as of December 1, 2008.

IN WITNESS HEREOF, the Parties hereto have executed this Agreement as of the effective date.

TRIMET

By: _____
Neil McFarlane
Executive Director

CITY OF TUALATIN

By: _____
Mayor

ATTEST:

By: _____
City Recorder

Approved as to Form:

For TriMet

By: _____
Tamara H. Lesh
Deputy General Counsel

Approved as to Form:

For City

By: _____
Brenda Braden
Tualatin City Attorney

Portion of alignment within City of Tualatin jurisdiction



Tualatin Continuing Control Agreement Exhibit 1



STAFF REPORT CITY OF TUALATIN

Approved By Tualatin City Council

Date 11/24/2008

Recording Secretary gKurby

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Debra Senger, Administration *DS*

DATE: November 24, 2008

SUBJECT: Citizen Involvement Committee Appointments

ISSUE BEFORE THE COUNCIL:

Appointments to Citizen Involvement Committees and Boards.

RECOMMENDATION:

Approve the Citizen Involvement Committee recommendation and appoint the below listed individuals.

EXECUTIVE SUMMARY:

On November 17, 2008, the Citizen Involvement Committee met and interviewed citizens interested in participating on City Committees and Boards. The Committee recommends appointing the following individuals:

Individual	Committee/Board	Term
Guy Wherity	Tualatin Planning Advisory	Full term ending 8/31/11
Charlie Tumulty	Tualatin Planning Advisory	Partial term ending 8/31/11
Alan Aplin	Tualatin Planning Advisory	Partial term ending 8/31/09
Mark Coolican	Tualatin Planning Advisory	Partial term ending 8/31/09
Alan Wilson	Budget	Partial term ending 12/31/09
Diane Weisheit	Budget	Full term ending 12/31/11
Jill Anderson	Tualatin Parks Advisory	Partial term ending 2/28/11

FINANCIAL IMPLICATIONS:

Not applicable.



DENIED /
~~Approved By Tualatin City Council~~

Date 11/24/2008
Recording Secretary *J. Barker*

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager *[Signature]*
Brenda Braden, City Attorney
Kent Barker, Police Chief

DATE: November 24, 2008

SUBJECT: CHANGE OF OWNERSHIP LIQUOR LICENSE APPLICATION –
STARS CABARET - BRIDGEPORT

ISSUE BEFORE THE COUNCIL:

Consider a liquor license application submitted by SCTO, Inc., doing business as Stars Cabaret – Bridgeport and make a recommendation to the Oregon Liquor Control Commission (OLCC).

RECOMMENDATION:

Staff recommends that the City Council consider this issue and provide a recommendation to the OLCC for their consideration.

EXECUTIVE SUMMARY:

SCTO, Inc. doing business as Stars Cabaret – Bridgeport submitted an application for a liquor license (as a change of ownership) on September 3, 2008. The City Council has until December 2, 2008 to submit a recommendation to the OLCC. The Police Department has conducted a thorough investigation and is recommending that the City Council send the OLCC an unfavorable recommendation, i.e., recommend that the application be denied (see attached Manager Report from Chief of Police Kent Barker). The City Attorney has analyzed the criteria and based upon her assessment of that criteria is also recommending that the Council forward an unfavorable recommendation to the OLCC.

OUTCOMES OF DECISION:

If the City Council directs that an unfavorable recommendation be submitted to the OLCC, that will be sent along with the application to the OLCC where it becomes part of the OLCC's

investigation. A liquor license application MUST go before the OLCC commissioners when there is a negative local government recommendation. The OLCC Commission meets every other month at OLCC's main office (9079 SE McLoughlin Blvd., Room 103A, Portland). Their next meeting is scheduled for December 15, 2008; however, it is unknown at this time whether this issue will be on their December agenda or will be placed on a subsequent agenda. The OLCC Commission meetings are public and the City will send a representative to convey the rationale behind the City Council's recommendation. See Attachment B for the OLCC Licensing Process Overview.

FINANCIAL IMPLICATIONS:

There are no financial implications to the recommendation.

DISCUSSION:

SCTO, Inc., doing business as Stars Cabaret – Bridgeport has submitted an application and has received a business license from the City of Tualatin to conduct business at 17939 SW McEwan Road, in the location of the former Out of the Blues club. In addition, they have filed for a liquor license. In Oregon, the Oregon Liquor Control Commission has formal authority to grant or deny liquor licenses; however, the local jurisdiction has the opportunity to provide a recommendation to the OLCC regarding that application.

Oregon statute details grounds upon which the OLCC may refuse to issue a liquor license to an applicant. These grounds are found in ORS 471.313 (4) and (5) are as follows:

- (4) That the applicant:
 - (a) Is in the habit of using alcoholic beverages, habit-forming drugs or controlled substances to excess.
 - (b) Has made false statements to the commission.
 - (c) Is incompetent or physically unable to carry on the management of the establishment proposed to be licensed.
 - (d) Has been convicted of violating any of the alcoholic liquor laws of this state, general or local, or has been convicted at any time of a felony.
 - (e) Has maintained an insanitary establishment.
 - (f) Is not of good repute and moral character.
 - (g) Did not have a good record of compliance with the alcoholic liquor laws of this state and the rules of the commission when previously licensed.
 - (h) Is not the legitimate owner of the business proposed to be licensed, or other persons have ownership interests in the business which have not been disclosed.
 - (i) Is not possessed of or has not demonstrated financial responsibility sufficient to adequately meet the requirements of the business proposed to be licensed.

- (j) Is unable to read or write the English language or to understand the laws of Oregon relating to alcoholic liquor or the rules of the commission.
- (5) That there is a history of serious and persistent problems involving disturbances, lewd or unlawful activities or noise either in the premises proposed to be licensed or involving patrons of the establishment in the immediate vicinity of the premises are related to the sale or service of alcohol, includes, but is not limited to obtrusive or excessive noise, music or sound vibrations; public drunkenness; fights; altercations; harassment; unlawful drug sales; alcohol or related litter; trespassing on private property; and public urination. Histories from premises currently or previously operated by the applicant may be considered when reasonable inference may be made that similar activities will occur as to the premises proposed to be licensed. The applicant may overcome the history by showing that the problems are not serious or persistent or that the applicant demonstrates a willingness and ability to control adequately the premises proposed to be licensed and patrons' behavior in the immediate vicinity of the premises which is related to the licensee's sale or service of alcohol under the licensee's exercise of the license privilege.

In addition, OAR 845-005-0326, in clarifying when the issuance of a license is not demanded by public interest or convenience, provides in subsection (2):

- (2) Proximity to Facilities:
 - (a) The licensed premises:
 - (A) Will be located within 500 feet in urban or suburban areas or within 1,500 feet in a rural area of the boundary (measured property line to property line) of a licensed child care facility or elementary or secondary school; a church; a hospital, nursing care facility or convalescent care facility; a park or children-oriented recreational facility; or alcohol or other drug treatment or rehabilitation facility; and
 - (B) Will adversely impact the facility.

Staff's analysis is that the liquor license application should be denied based on four primary findings:

1) That Stars in their existing locations in Oregon (Bend, Salem & Beaverton) do not have a good record of compliance with the liquor laws of the state and the rules of the commission (ORS 471.313 (4)(g)).

The Police Chief's memo documents the following:

I received documents from OLCC regarding OLCC actions with the three different Stars Cabarets in other jurisdictions since the establishments have been opened. These actions included suspensions for two of the establishments and several fines and warnings for various OLCC violations at all three

establishments. These violations included failure to verify age of minors, permitting minors in the establishment, allowing disorderly activity, permitting lewd activity, serving without a valid permit, failing to provide a service permit, serving very intoxicated persons, which results in a vehicle crash and a DUII arrest, and failure to comply with seating restrictions.

2) That there is a history from premises currently operated by Stars of serious and persistent problems involving disturbances, lewd or unlawful activities, public drunkenness, fights and altercations with reasonable inference that similar activities will occur at the premises proposed to be licensed (ORS 471.313 (5)).

The Police Chief's memo compares police calls for service and DUII arrests from the three Oregon Stars (Bend, Salem & Beaverton) to police calls for service to establishments in Tualatin since 2005. The analysis shows that the average police calls for service for the three different Stars Cabaret businesses are more than double the number of police calls for service at other establishments that serve alcoholic beverages in Tualatin. The types of calls the police have responded to at the Stars Cabarets in other jurisdictions include assaults, disturbances, intoxicated persons and drivers, sex crimes and other criminal behavior. The average number of calls at the three Stars Cabarets is also higher than the number of police calls for service at Jiggles in Tualatin. Jiggles does not service alcoholic beverages, but has other comparable characteristics. This indicates that the serving of alcohol at Stars plays a substantial role in creating the needs for police response.

3) Stars Cabaret – Bridgeport is located within 500 feet of a children-oriented recreational facility and will adversely impact that facility (OAR 845-005-0326 (2) (3) (b) (A&B)).

Based on the attached map, the proposed business is located within 500 feet (measured property line to property line) of two children-oriented recreational facilities: My Gym Children's Fitness Center and 24-Hour Fitness Kids' Club. My Gym Children's Fitness Center is a program and facility devised to help children 6 weeks to 13 years develop physically, cognitively and emotionally. They run weekly classes which incorporate music, dance, relays, games, and other activities with a goal of building confidence and self-esteem. The 24-Hour Fitness Kids' Club is short-term child care offered by 24-Hour Fitness for members and guests. It is available for children from 6 months up to 12 years and provides activities to keep children active.

Having an establishment that generates such a large number of police calls near children-oriented recreational facilities, specifically catering to children 6-weeks to 13 years, will adversely impact these centers and the children who go there.

4) The applicant has submitted an incomplete and inaccurate application.

From required information that was not filled out, to uncovering a number of additional violations that were not included with violations listed, the Police Chief's report details a number of items that make this application incomplete.

PUBLIC INVOLVEMENT:

A public meeting was held on September 16, 2008 at the Police Department; approximately 200 people attended and overwhelmingly expressed their views about the proposed establishment. In addition, we have received a number of letters and emails regarding this issue, which are attached.

Attachments:

- A. Manager Report from Chief Kent Barker
- B. OLCC Licensing Process Overview
- C. Aerial vicinity map
- D. Public communications regarding this matter
- E. Liquor License Application Packet



City of Tualatin MANAGER REPORT

TO: Sherilyn Lombos, City Manager

FROM: Kent W. Barker, Chief of Police

DATE: October 28, 2008

SUBJECT: Stars Cabaret-Bridgeport Liquor License Application

The Stars Cabaret-Bridgeport is a business that is currently seeking to operate at the location of 17939 SW McEwen Road, Tualatin, Oregon. The current business that is operating at this location is, "Out of The Blues – Broiler Bar & Billiards."

The Stars Cabaret-Bridgeport submitted a Liquor License Application to the City of Tualatin. The date on the application is noted as "8/1/2008." The actual date the Stars Cabaret-Bridgeport paid the city the \$75 fee for the Liquor License Application, was on September 23, 2008. The application was noted as a request for a "Change in Previous Application."

The City of Tualatin requested that the Police Department conduct a background check on the Stars Cabaret-Bridgeport. The purpose of the background check was to determine if there has been any past history with this business that would assist the Tualatin City Council to recommend approval or denial of the application.

Stars Cabaret does not currently operate a business in Tualatin; however, they do have a business in Bend, Salem, and Beaverton, Oregon.

On September 16, 2008, the City of Tualatin hosted a public meeting at the Police Department Auditorium to provide information to the public about the business license and liquor license applications that had been submitted by the Stars Cabaret. During this meeting, several members of the public voiced their concerns about the proposed establishment and they overwhelmingly agreed that the business and liquor license applications should be denied.

After our department received the official application for a liquor license, I contacted Bend Police Department, Salem Police Department, and Beaverton Police Department to have them provide me with statistical information regarding police calls for service at the respective Stars Cabaret businesses within their jurisdictions. I also requested statistical information from within our own department regarding police calls for service at the current business of "Out of the Blues" and other calls for service at local establishments that provide alcoholic beverages along with entertainment. I also included statistical information regarding Jiggles, the only Adult Entertainment (Nude dancing) club in Tualatin.

See Attached Statistics:

<u>2008</u> * Through September 30th	Stars Cabaret- Bend	Stars Cabaret - Salem	Stars Cabaret - Beaverton	Stars - Avg. of 3 Businesses	Out of The Blues	Jiggles (no alcohol served)	Wichita Pub (closed April 2008)	Hot Seat	Bushwacker's	Country Inn	Lee's Kitchen	Wong's
	Police Calls For Service	143	38	68	83	6	102	27	48	21	20	11
DUII Arrests	8	8	7	8	NA	0	2	0	0	0	0	0

<u>2007</u>	Stars Cabaret- Bend	Stars Cabaret - Salem	Stars Cabaret - Beaverton	Stars - Avg. of 3 Businesses	Out of The Blues	Jiggles (no alcohol served)	Wichita Pub	Hot Seat	Bushwacker's	Country Inn	Lee's Kitchen	Wong's
	Police Calls For Service	214	73	119	135	8	95	108	48	36	10	12
DUII Arrests	8	11	9	9	NA	0	15	7	2	5	2	3

<u>2006</u>	Stars Cabaret- Bend	Stars Cabaret - Salem	Stars Cabaret - Beaverton	Stars – Avg. of 3 Businesses	Bridgeport Bar & Grill	Jiggles (no alcohol served)	Wichita Pub	Hot Seat	Bushwhacker's	Country Inn	Lee's Kitchen	Wong's
	Police Calls For Service	159	74	102	111	14	89	92	50	14	17	15
DUII Arrests	15	7	16	13	NA	0	13	15	4	6	0	6

<u>2005</u>	Stars Cabaret- Bend	Stars Cabaret - Salem	Stars Cabaret - Beaverton	Stars – Avg. of 2 Businesses	Bridgeport Bar & Grill	Jiggles (no alcohol served)	Wichita Pub	Hot Seat	Bushwhacker's	Country Inn	Lee's Kitchen	Wong's
	Police Calls For Service	N/A	19	90	54	28	68	74	40	18	30	8
DUII Arrests	10	4	13	9	NA	0	23	10	4	6	0	1

Statistical Comparisons:

The Tualatin City Council held a public hearing in December 2007 regarding a liquor license renewal application for Wichita Pub. At that time, I recommended the application be denied due to the serious and persistent problems at that establishment. I based my recommendation on the number of police calls for service at that location in comparison with other like establishments within the city that served alcoholic beverages. I also based my recommendation on the types of calls the police were responding to at that location, such as assaults, disturbances, visibly intoxicated persons, and other criminal activity. Since that hearing, the Oregon Liquor Control Commission (OLCC) denied the renewal of the liquor license and the business closed in April 2008.

The police calls for service at Stars Cabaret in other jurisdictions (as listed above) do not necessarily reflect the type of activity that may occur in Tualatin, but it is a good indicator of what can be expected at an establishment such as the Stars Cabaret. The average police calls for service for the three different Stars Cabaret businesses are more than double the number of police calls for service at like establishments that serve alcoholic beverages in Tualatin. The types of calls the police have responded to at the Stars Cabarets in other jurisdictions include assaults, disturbances, Intoxicated persons and drivers, sex crimes, and other criminal behavior. The average calls at the three Stars Cabarets is also higher than the number of police calls for service at Jiggles in Tualatin, which does not serve alcoholic beverages, but does have nude dancers.

OLCC Actions with Stars Cabaret:

I received documents from OLCC regarding OLCC actions with the three different Stars Cabarets in other jurisdictions since the establishments have been opened. These actions included suspensions for two of the establishments and several fines and warnings for various OLCC violations at all three establishments. These violations included failure to verify age of minors, permitting minors in the establishment, allowing disorderly activity, permitting lewd activity, serving without a valid permit, failing to provide a service permit, serving very intoxicated persons, which resulted in a vehicle crash and a DUII arrest, and failure to comply with seating restrictions.

Application Information:

The application that was submitted by Stars Cabaret-Bridgeport is incomplete and is missing information, including but not limited to:

1. The corporation information on page 2 does not list the names and Dates of Birth for the corporation president, treasurer, or secretary as required in section C.
2. Public records indicate that Jeff M. Struhar has used other names including his legal name of Jeffery, which is not listed on the application for Question #2.
3. Public records indicate that Jeff M. Struhar did not list all of his violation convictions for the past 12 years as required in Question #9. Records indicate he withheld four additional violations that were not included with the other violations listed within the application.

4. Public records indicate that Todd Marlow Mitchell did not list all of his violation convictions for the past 12 years as required in Question #9. Records indicate he withheld seven additional violations that were not included with the other violations listed within the application.
5. Public records indicate that Randy Gail Kaiser did not list all of his violation convictions for the past 12 years as required in Question #9. Records indicate he withheld five additional violations that were not included with the other violations listed within the application.
6. Public records indicate that Pamela Colburn did not list all of her violation convictions for the past 12 years as required in Question #9. Records indicate she withheld five additional violations that were not included with the other violations listed within the application.
7. Information was not submitted within the application regarding a Claude DeCorsi. This man was present at the public meeting on September 16, 2008 and identified himself as being the new manager for Stars Cabaret-Bridgeport in Tualatin.

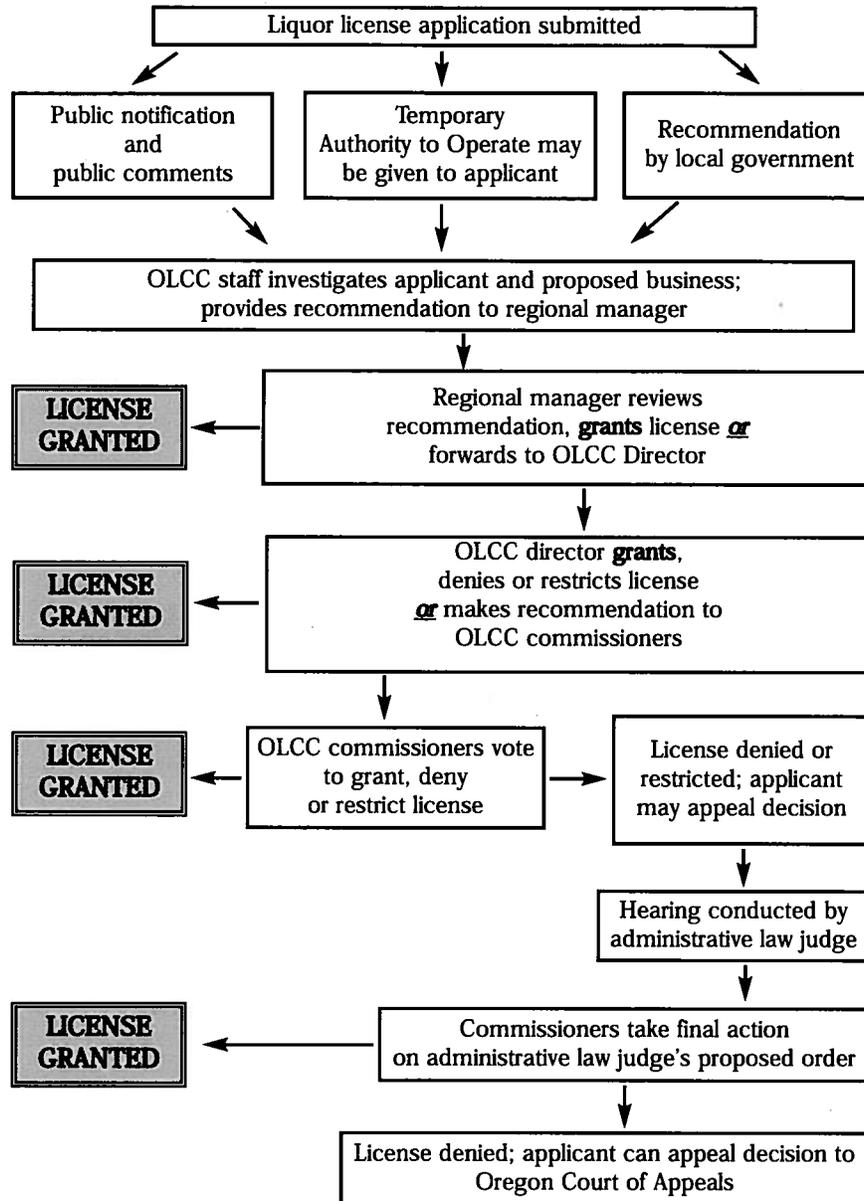
Police Department Recommendation:

Based on the statistical information included in this report, the number of violations and warnings by OLCC, and the incomplete and inaccurate application submitted by Stars Cabaret-Bridgeport, I am recommending that the City Council deny the liquor license application.

Respectfully Submitted,

Kent W. Barker
Chief of Police

Licensing Process Overview



Attachment C



Tualatin, Oregon
Area of Interest

- ★ Starz Cabaret Lot
- 500', 1000', 1500' Buffers
- City Boundary

RF 1:5,200



This map was prepared from the most current available data. The City of Tualatin, Oregon, is not responsible for the accuracy of the information shown on this map. The City of Tualatin, Oregon, is not responsible for the accuracy of the information shown on this map. The City of Tualatin, Oregon, is not responsible for the accuracy of the information shown on this map.



Attachment **SHERILYN LOMBOS**

From: Lou Ogden [lou.ogden@juno.com]
Sent: Monday, October 13, 2008 1:19 PM
To: alby@HerediaRealty.com
Cc: bboryska@aol.com; council@mustardpeople.com; donna.maddux@doj.state.or.us; donna.maddux@state.or.us; edtruax@aol.com; etruax@royalaa.com; jay@h-mc.com; joelle.d.davis@gmail.com; maddux01@verizon.net; smbeikman@verizon.net; SHERILYN LOMBOS
Subject: Re:

We are doing everything we can to legally stop this business from coming into town but the Oregon Supreme Court has interpreted the Oregon Constitution that obscenity is a protected freedom expression and we are virtually powerless to effectively manage the problem.

Thanks,

Lou Ogden, Resource Strategies Planning Group
 Group Benefits & Life, Health, Disability, and Long Term Care Insurance for Businesses and Individuals
 21040 SW 90th Ave., Tualatin, OR 97062; Phone (503) 692-0163; Fax (503) 914-1699;
lou.ogden@juno.com

On Thu, 9 Oct 2008 18:24:33 -0700 "Alby Heredia" <alby@HerediaRealty.com> writes:

Good evening Mr. Ogden,

I am a native Oregonian and a real estate broker that lives and works in the local Lake Oswego/Tualatin area.

One of reasons I moved here from Tigard with my family was because I loved the character and integrity of the area. It is wonderful to have a couple of exits between Fantasy Adult Video and Jiggles that do not have a prominent pornography business. I love being able to give directions to my home or office and not have a huge sign advertising nude dancers or porn.

I realize that Portland area has the most strip clubs per capita in the United States, but is this what we really want to be known for?

I love this area and I love seeing the kids from Lakeridge walking to Bridgeport to shop, eat and spend time with their friends. I think it would be sad to have a porn business on their route to go shopping. It would be the end to the 'safe' feeling of the area.

I have not written a letter like this before, but I stood by silently while Fantasy Adult Video went up when I lived in Tigard and I want to at least try to be part of the solution this time.

I am not sure what role you play in the success and starting of this business, but I want you to know that I sincerely hope that if you have any power towards making this happen or not, that you make a decision to keep the pornography businesses out of this wonderful area.

Thank you for taking the time to read this.

Sincerely,

Lisa A. Heredia

Thanks,

Lou Ogden, Resource Strategies Planning Group
Group Benefits & Life, Health, Disability, and Long Term Care Insurance for Businesses and
Individuals
21040 SW 90th Ave., Tualatin, OR 97062; Phone (503) 692-0163; Fax (503) 914-1699;
lou.ogden@juno.com

[Click here for free information on earning a criminal justice degree today.](#)

RICHARD DEVLIN

State Senator

DISTRICT 19

CLACKAMAS, MULTNOMAH

& WASHINGTON COUNTIES



OREGON STATE SENATE

900 COURT ST NE

SALEM, OR 97301

**REC'D
CITY OF TUALATIN**

OCT 08 2008

MAYOR _____ COUNCIL _____ POLICE _____ ADM _____
FINANCE _____ COMM DEV _____ LEGAL _____ OPER _____
COMM SVCS _____ ENG & BLDG _____ LIBRARY _____

Mr. Steve Pharo, Executive Director
Oregon Liquor Control Commission
9079 SE McLoughlin Blvd
Portland, OR 97222-7355

September 29, 2008

Dear Director Pharo,

As the State Senator representing Lake Oswego, Tualatin, and West Linn I am extremely concerned about the OLCC granting a liquor license to the proposed new Stars Cabaret-Bridgeport at 17939 McEwan Rd. in Tualatin. I am worried about the legitimate public and child safety concerns that this establishments poses to the community.

The Stars Cabaret record at existing establishments causes considerable concern. Police records show an average of 3 police reports per month at the Beaverton location, a similar number of calls in Bend per month, and 54 calls in Salem in the last year. I think it is probable that there will be a similar numbers of calls at the proposed Stars Cabaret-Bridgeport. I do not believe the OLCC should grant any additional liquor licenses to Stars until it has proven that it can operate existing established in a more acceptable manner.

The proposed location is only a few blocks from the established residential neighborhood, approximately .8 miles from Rivergrove Elementary School. There is a 24 Hour Fitness, which includes a childcare facility across the street and nearby there is a Little Gym that provides fitness classes and camps for children. I have heard from neighborhood residents that if the license is granted they will avoid going to the adjacent businesses at night to maintain their safety. I believe Stars will have an adverse impact on the economic viability of the nearby businesses.

I would urge the OLCC to reject the proposed liquor license at Stars Cabaret-Bridgeport based on problems at its existing establishments and valid public and child safety concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Devlin", written over a horizontal line.

Senator Richard Devlin

cc: Rep. Scott Bruun
Mayor Lou Ogden-Tualatin



SEP 30 2008

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CITY OF
LAKE OSWEGO

380 A Avenue
P.O. Box 369
Lake Oswego
Oregon 97034

503-635-0213
Fax 503-697-6594
mayor@ci.oswego.or.us

JUDIE HAMMERSTAD,
MAYOR

ROGER HENNAGIN,
COUNCILOR

KRISTIN JOHNSON,
COUNCILOR

ELLIE McPEAK,
COUNCILOR

FRANK GROZNIK,
COUNCILOR

DONNA JORDAN,
COUNCILOR

JOHN TURCHI,
COUNCILOR

September 29, 2008

Oregon Liquor Control Commission
Attn: Charles Ellis – Agent
P.O. Box 2297
Milwaukie, OR 97269

Re: Opposition to License Application
SCTO, Inc., doing business as Stars Cabaret – Bridgeport

Dear Mr. Ellis:

We have learned that SCTO, Inc., doing business as Stars Cabaret – Bridgeport, has applied for a license to serve liquor at a proposed nude dancing establishment at 17939 McEwen Ave in Tualatin. This property is close to the boundaries of the City of Lake Oswego, and to residential neighborhoods within the city or its future urban service area.

This proposed business would create significant negative impacts on the surrounding area. Nude dancing establishments encourage illegal activity, cause visual blight, lower property values and impede the economic well-being of surrounding businesses. They also tend to increase costs for local agencies that are responsible for law enforcement.

Of even greater concern is the impact on the children living in the vicinity, including those who attend nearby Rivergrove Elementary School. Area parents are justified in having safety concerns related to the individuals who patronize this kind of business, and the illegal activities that often surround nude dancing establishments, especially when coupled with the serving of intoxicants. Furthermore, the operation (and government licensing) of a business that is based upon the objectification of women sends an inappropriate message to the children in the area.

In short, licensing this proposed business would not meet the “public interest or convenience,” because the proposed use of the license would be incompatible with “the character or environment of the neighborhood in which the licensed premises operate.” OAR 845-005-0355.

In addition, OAR 845-005-0325 (2)(a)(A) authorizes the OLCC to deny a license where the licensed premises will be within 500 feet (measured property line to property line) of a licensed child care facility or a child-oriented recreational facility. In this instance, the property line of the licensed premises would be less than 500 feet from the property line of 24-Hour Fitness, which operates a “Kids Club” child care facility on the site. It also appears to be within 500 feet of the property line of a parcel that



7387
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800 8 12

includes the "Little Gym," a business offering recreational activities and classes for young children.

The Lake Oswego City Council urges the OLCC to deny the requested liquor license.

Sincerely,



Judie Hammerstad
Mayor, City of Lake Oswego

September 29, 2008

Tualatin City Council
18880 SW Martinazzi Avenue
Tualatin, OR 97062

RE: Proposed Starz Cabaret Strip Club on Southwest McEwan Road in Tualatin

Dear Mayor Ogden and Tualatin City Council Members:

As a parent of a 3 year old girl, I am writing to you to express my grave concern and strong opposition to the proposed strip club at Southwest McEwan Road in Tualatin. The location of this sexually explicit business is in close proximity to Lake Oswego and if allowed to open will have severe consequences for the economic and social well-being of surrounding neighborhoods and undermine and destabilize the quality of life of our community.

Perhaps more importantly to us as parents is that this strip club will have the potential to expose my child to drug sales, prostitution, loitering, and drunkenness.¹

The proposed club will create possible injury to pedestrians including children walking to and from local businesses at various hours of the day and early evening.

It is already a difficult enough effort to protect our children from negative influences. Approval by the City of a sexually explicit business near our community will make the City complicit in undermining our own efforts to be good parents by raising our kids in a safe, secure environment.

The Oregon constitution right to free speech should be, subject to a common sense test which should be the ultimate test. Owners of the proposed strip club seek to heavily lean on the Oregon Constitution's protected speech and by doing so, circumvent any application of common sense.

As you seek further public comment on this issue, please consider all the relevant impacts that this type of business will have on our community, our neighborhoods, and most importantly, our children. We firmly and expressly oppose the operation of this club in our community.

¹ Land-use studies by the **National Law Center for Children & Families** (see <http://www.nationallawcenter.org/>) show evidence of the correlation of adult businesses to crime. For example, in Phoenix neighborhoods where adult businesses were located, the number of sex offenses was 506 percent greater than in areas without such businesses. The number of property crimes was 43 percent greater, and the number of violent crimes, 4 percent greater.

Further, our concerns are not without merit. Below are a couple of links that correlates strip clubs to crime and prostitution. There is much more available on the internet, especially the FBI web site.

1. <http://seattle-criminaldefense.blogspot.com/2008/06/police-and-feds-raid-colacurcio-strip.html>
2. <http://www.war-line.org/default.asp?contentID=588>

Sincerely,

Andrew and Olivia Longley
17490 Hill Way
Lake Oswego, OR 97035



SCOTT BRUUN
STATE REPRESENTATIVE
DISTRICT 37
HOUSE OF REPRESENTATIVES

REC'D
CITY OF TUALATIN

SEP 26 2008

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September 23, 2008

Mr. Steve Pharo, Executive Director
Oregon Liquor Control Commission
9079 SE McLoughlin Blvd.
Portland, OR 97222-7355

Dear Director Pharo,

On behalf of my constituents in Rivergrove, Tualatin, Lake Oswego and West Linn, I am writing in strong opposition to the granting of a state liquor license to the proposed new Starz Cabaret facility at 17939 McEwan Road in Tualatin.

The proposed establishment is within a few blocks of the Rivergrove neighborhood and approximately 0.8 miles from Rivergrove Elementary School. It is across the street from 24Hour Fitness, which maintains a childcare facility (which my own children frequently attend), and in close proximity of The Little Gym, which provides fitness classes and camps for children.

I fear that this establishment will become a magnet for serious and persistent unlawful activities such as drug possession, prostitution, under-age drinking, drunken and disorderly conduct and driving under the influence. Activities such as these will force an unnecessary burden on our local law enforcement and may endanger local residents and businesses.

Most importantly, the proposed establishment is simply too close to homes and facilities where children are present. Alcohol related problems from this proposed facility would negatively impact the neighborhood, child welfare, local businesses and public safety.

Again, I urge the OLCC to reject any liquor license request for this facility based on legitimate public and child safety considerations.

Sincerely yours,

SCOTT BRUUN
State Representative

cc: Sen. Richard Devlin
Tualatin Mayor Lou Ogden ✓

SHERILYN LOMBOS

From: Lou Ogden [lou.ogden@juno.com]
Sent: Saturday, September 20, 2008 10:50 AM
To: robinmalony@verizon.net
Cc: bboryska@aol.com; council@mustardpeople.com; donna.maddux@doj.state.or.us; donna.maddux@state.or.us; edtruax@aol.com; etruax@royalaa.com; jay@h-mc.com; joelle.d.davis@gmail.com; maddux01@verizon.net; smbeikman@verizon.net; SHERILYN LOMBOS; Brenda Braden; Doug Rux; scottb@sigrace.com; Devlin.Sen@state.or.us
Subject: Re: Stars Cabaret

You are absolutely correct in your comments. In addition to these objections being raised by the City of Tualatin to the OLCC, our state legislative representative, Scott Bruun, will be making similar objections to the OLCC. My concern is that these objections do not necessarily fit the statutory criteria given the OLCC in their determination, sufficient for them to deny the application. Another statutory approach is to work with the OLCC to develop more stringent standards and then ask the State Legislature to pass those laws this session. Yet another approach is to get the Legislature to refer to the voters an Oregon Constitutional Amendment to Article 1 Section 8 which would except obscenity for commercial purposes from the protected freedoms of expression clause.

We are working on other avenues in the meantime, though all options are difficult and tentative at this moment.

Lou

On Sat, 20 Sep 2008 11:11:21 -0500 (CDT) robinmalony@verizon.net writes:

To The Members of the Tualatin City Council:

I am a property owner and a resident of Tualatin. I am contacting you with my serious concern about the proposed opening of the Stars Cabaret on McEwan Road.

I attended the community meeting on September 16 which addressed the issue of the Stars Cabaret. I am concerned about three main issues: 1)public safety, 2)the loss of value to our property on McEwan Road on which my husband I plan to build in the near future, and 3)the burdened this establishment, should it open, would put on the Tualatin Police Department.

As a teacher of young children I am appalled that this establishment would be located near several sites where children frequent. 24 Hour Fitness which has separate childcare facilities for its members, is located across the street from the proposed site. According to Lake Oswego school administrators, there are some families in the district who are currently living at Motel Six located next door to the site. Rivergrove Elementary School is less than one mile. Waluga Middle school is less than two miles. If there was a full nude bar in the neighborhood, families could no longer allow their children to bicycle to any of the places that they like to go to, including school.

I was shocked to learn that within the past few months there has been a prostitution raid by the police at Motel Six on McEwan Road. I also learned that when a similar nude bar recently opened in the Salem area, there were some 53 police interventions within one year at this site.

This would cause inevitable increased traffic on McEwan would restrict emergency vehicles access to the River Grove neighborhood.

I urge you to seriously consider the public safety ramifications of allowing a similar situation to occur in our neighborhood. It would exacerbate what is clearly already a serious public safety problem?

Which brings me to point number three: our overburdened police force. What is the City of Tualatin going to do in order to address the inevitable public safety issues if this nude bar opens? I suspect that our committed police officers in the Tualatin police department have many other challenges to deal with without adding yet another one which will, most assuredly, cause a myriad of problems. I am sure that the City of Tualatin does not have sufficient additional police officers to attend to a significant increase in alcohol and sex-related crimes. As a current resident of Tualatin and a taxpayer, I do not want our police force stretched unnecessarily.

Sincerely,
Robin Malony
19551 S.W. 56th Court
Tualatin, Oregon 97062

Thanks,

Lou Ogden, Resource Strategies Planning Group
Group Benefits & Life, Health, Disability, and Long Term Care Insurance for Businesses and
Individuals
21040 SW 90th Ave., Tualatin, OR 97062; Phone (503) 692-0163; Fax (503) 914-1699;
lou.ogden@juno.com

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Dear Mayor Ogden and Council Members,

My name is Amber Popkes. I am writing this letter on behalf of myself and my family. I am the mother of an 8 year old little boy, who attends Rivergrove Elementary School, here in Lake Oswego.

As you know, the city of Tualatin is currently in the middle of a huge debate regarding a strip club in your city. As the mother of a Rivergrove Elementary student, I am strongly opposed to the location of the strip club. I feel that the city of Tualatin is currently putting my child and other children at risk by approving the location of this strip club. Not only are you sending the wrong message by placing a strip club in the middle of a residential area, less than a mile from the school, you are placing our children at risk of becoming victim to sexual predators, drugs, prostitution and drunk drivers. I feel you have not fully given thought the extent of what your actions may cause. If you must have a strip club in your city, we strongly feel it should be placed somewhere else...maybe near the heart of Tualatin.

I realize that city council states that the laws of the state are to blame for the opening of this strip club (per the news reports), however I feel the Tualatin city government was responsible for choosing the location. I find it completely inconceivable that tobacco companies are more regulated than strip clubs. A tobacco company cannot advertise on a bill board much less within a mile of a school. Yet, you plan on allowing a strip club to move on in to the school zone. I realize there is little we can do but complain about the strip club. But, if it must open, I encourage you to open it somewhere else!

If this strip club opens in the intended location, my family and I will go WAY out of our way to ensure we no longer do business anywhere in the city of Tualatin. As a potential homebuyer, I will not purchase a home in Tualatin, I will not support the community or businesses nor will I support any decision that benefit's the city of Tualatin. I know I'm not alone in my efforts. I was encouraged to write this letter and boycott Tualatin. That is one decision I can stand behind.

Sincerely,


Amber Popkes

Cc:
Tualatin Chamber of Commerce

SHERILYN LOMBOS

From: Toni Anderson [tntanderson@reachone.com]
Sent: Friday, September 19, 2008 11:28 AM
To: SHERILYN LOMBOS
Cc: Imoholt@ci.tualatin.or.us
Subject: Regarding yesterday's Oregonian Article-Stars Cabaret

I am interested in any action to stop additions of this sleazy type of business in our community.

I have seen what it did to one of the dear young girls that I knew when she was a high school girl. She became involved with a guy that pulled her into stripping, quitting school. He lured her with "being independant of her parents, since she would have her own money." It was nearby her home. She had a baby and was left on her own to deal with all the consequences.

I will write to my representatives/congress people.
The presence of lots of "Mom types" at this club could be it's downfall.
We would be required to buy a beer and sip it for hours, but enough scheduled to do this each night would probably deter many young men when they're asked if their mother knows what they are doing!

Toni Anderson
Tualatin

SEP 19 2008

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Triumphant King Lutheran Church
King's Children Preschool

September 18, 2008

To: Mayor Lou Ogden and Council
City of Tualatin
18880 SW Martinazzi Ave.
Tualatin, OR 97062

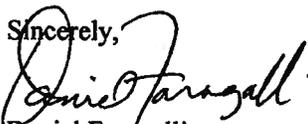
Re: Stars Cabaret

Mayor Ogden and Council:

My name is Daniel Faragalli and I'm the pastor of Triumphant King Lutheran Church in Lake Oswego. We are located near the site where Stars Cabaret plans to establish an adult entertainment club. As you know, Stars Cabaret has filed an application with the Oregon Liquor Commission for a license at this location. And your City recently held a Town Hall meeting on Stars Cabaret's plan to locate its business in the area. I was unable to attend the meeting but am concerned, along with my congregation, school board, and neighborhood association, that this establishment be prevented from locating in the proposed area.

While the property is located in the city of Tualatin, the site borders a residential neighborhood in Lake Oswego which includes Rivergrove, Bryant, and Waluga elementary schools not more than a few blocks away. The location is also heavily transited by families, mainly due to other business in the immediate area: 24 Hour Fitness, Burger King, Carl's Jr., Taco Bell, and Players, an entertainment business where families and groups gather. Many community organizations, churches, schools and neighborhood associations are now sounding the alert to marshal an appeal to government oversight agencies. We request the license and location be denied to Stars Cabaret due to obvious community concerns.

I know you are concerned about this matter. Thank you for your efforts. We are also calling upon the City Council and Planning Board of Tualatin to carefully review this application. Please consider the many adverse impacts an adult entertainment business would create, not the least the drawing of potential sexual predators to where children are present. We do not oppose Stars Cabaret's right to operate this kind of business. In this case, however, we must be concerned with their plan to do so in an area close to neighborhoods, schools, and other family-friendly businesses. Thank you for your consideration in this matter.

Sincerely,

Daniel Faragalli

4700 Lamont Way, Lake Oswego, OR 97035 Church: (503) 636-3436
Daniel Faragalli, Pastor School: (503) 636-8683

Website: www.tklc-lcms.org
E Mail: faragalli@qwestoffice.net

SHERILYN LOMBOS

From: Heather Walters [WaltersH@hlyw.com]
Sent: Thursday, September 18, 2008 2:23 PM
To: SHERILYN LOMBOS
Subject: Stars

Sherilyn,

I am a mother and a resident of Lake Oswego in the River Grove area. I don't understand why the Stars business is even being considered in our area!? Our families live here. Our children go to school here. They hang out at Taco Bell which is 3 doors down. There are very few sidewalks through the River Grove area and no place for pedestrians or bicyclists to go when a drunk patron of Stars runs them off of the road.

We don't want the type of people who frequent these places in our neighborhood. Our property values have suffered enough with the economic downturn and this will just hurt us even more.

Places like this need to be outlawed completely in my mind, but because I know that is impossible, they at least need to be located in commercial areas and AWAY from children.

Think of River Grove grade school which is just down the same street??? How awful to have a strip joint located so close.

Please do everything in your power to not allow these guys to come in. If you have any recommendation of other people that I can talk to = please let me know. Thank you,
Heather Walters

PS I wrote you from my work email so you would know that I am truthful and sincere – hopefully they won't care ;) hehe



Heather Walters | Sell Thru Planning Manager | Hollywood Entertainment | tel 503.570.1971 | fax 503.570.5328

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SHERILYN LOMBOS

From: Lou Ogden [lou.ogden@juno.com]
Sent: Thursday, September 18, 2008 1:10 AM
To: JPries@horizonlife.org
Cc: bboryska@aol.com; council@mustardpeople.com; donna.maddux@doj.state.or.us; donna.maddux@state.or.us; edtruax@aol.com; etruax@royalaa.com; jay@h-mc.com; joelle.d.davis@gmail.com; maddux01@verizon.net; smbeikman@verizon.net; SHERILYN LOMBOS; charles.ellis@state.or.us; chris@barhyte.com; JPries@horizonlife.org
Subject: Re: Liquor license application for SCTO Inc DBA: Stars Cabaret

Thanks John

Lou

On Wed, 17 Sep 2008 11:24:15 -0700 "Pastor John Pries" <JPries@horizonlife.org> writes:

Charles Ellis

I am sending this to encourage you to deny any and all applications for a liquor license from SCTO Inc DBA Stars Cabaret. The transfer or issuing of this license would be inappropriate on a number of levels.

1. This is a different use as I understand they plan to offer "Adult Entertainment". Since they will be targeting a totally different audience and presenting a different format it seems to be that they should be required to go through the whole licensing process at the very least.
2. I am hoping that you will consider what this type of establishment does to degrade the livability and safety of a community at large.
3. Please consider the impact this will have on our law enforcement costs as they are forced to respond to alcohol fueled fights and disturbances.
4. Please consider that this type of use creates a safety issue for people who are forced to travel in front of this type of business.

I am a 32 year Tualatin resident and am disheartened that this is even under consideration in my community

John Pries
Horizon Community Church
7427 SW Coho Ct
PO Box 2690
Tualatin Oregon 97062
503-612-6688
jpries@horizonlife.org
www.horizonlife.org

Thanks,

Lou Ogden, Resource Strategies Planning Group
Group Benefits & Life, Health, Disability, and Long Term Care Insurance for Businesses and Individuals

21040 SW 90th Ave., Tualatin, OR 97062; Phone (503) 692-0163; Fax (503) 914-1699;
lou.ogden@juno.com

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SHERILYN LOMBOS

From: STACY CRAWFORD
Sent: Wednesday, September 17, 2008 10:33 AM
To: SHERILYN LOMBOS
Subject: FW: Parking Study for Proposed Stars Cabaret?

Sherilyn

I just received this. Not sure who is taking in all the inquiries...but I thought you should probably be the one to direct them. Let me know if that is otherwise.

Thanks

Stacy Crawford

From: Jay & Garen [mailto:jaygaren@comcast.net]
Sent: Wednesday, September 17, 2008 9:53 AM
To: STACY CRAWFORD
Subject: Parking Study for Proposed Stars Cabaret?

Hello City of Tualatin Planning Department-

We are home owners in the Rosewood neighborhood of Lake Grove and are vehemently opposed to the proposed Stars Strip Club that may open for business on McEwan. Not only does it add a seedy element to our neighborhood, but we are also concerned about parking availability around the proposed establishment. The 24 Hour Fitness Gym already has parking issues and parking will no doubt be more of an issue if this establishment is allowed to open.

I own a business in Lake Oswego (Westlake) and the City of Lake Oswego conducted a parking study to assess the impact on increased traffic. **Perhaps you can conduct a parking study to assess the parking situation for this proposed location?**

Thank you,

The Weitmans
6025 SW Kenny St
Lake Oswego, OR 97035
503-684-1483

SHERILYN LOMBOS

From: Sheri Richards [sheri_richards@yahoo.com]
Sent: Tuesday, September 16, 2008 3:59 PM
To: charles.ellis@state.or.us
Subject: High School Freshman Opposed to Starz Cabaret



1_Warning.txt (575
B)

Dear Mr. Ellis,

I am a 14 year old girl who is a freshman at Lakeridge High School. I live near where Stars Cabernet might open. I don't think that you should grant Stars Cabernet their liquor license because not only is it a bad thing to have a club in a neighborhood, but near an elementary school, children, and women.

It is dangerous for many reasons. Not only is it near a bus stop but near restaurants and other businesses. Not only is it against my morals, but I walk past there many times during to week to go to Taco Bell, 24-hour Fitness, and other businesses there. Sometimes I even walk past there with my 12 year old sister or 9 year old brother. I don't want to put myself or others at risk, just for walking.

Also I think that it will harm some of the businesses around. I know that I am not going to want to walk to those businesses if I have to put myself in danger. By granting that liquor license you will be increasing the crime in that neighborhood. Many of the people coming out of the club will be drunk and unaware of what they might be doing. I don't want any drunken men or women walking around the streets. I hope that you will consider my letter and others that have been sent to you. So Mr. Ellis, the choice is yours.

Sincerely,

Quinn Richards

Sheri Richards

mailto:sheri_richards@yahoo.com
home: 503-624-8498
cell: 503-970-5858
fax: 503-624-8498

Never be afraid to try new things. Remember, the ark was built by amateurs; the Titanic was built by experts.

SHERILYN LOMBOS

From: Debra Mathews [debra@windermerepnw.com]
Sent: Tuesday, September 16, 2008 12:01 PM
To: charles.ellis@state.or.us
Cc: lou.ogden@juno.com; jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@barhyte.com; bboryska@aol.com; SHERILYN LOMBOS
Subject: Proposed liquor license for new Starz Cabaret establishment

Dear Mr. Ellis,

I am writing to express my opposition to the issuance of a liquor license for the proposed business transfer of "Out Of The Blues" to "Starz Cabaret". I realize that both will offer restaurant and bar services but the addition of adult entertainment with Starz significantly changes the scope of the business in my opinion.

The establishment is located less than ½ mile from an elementary school and residential neighborhoods. It is ringed with fast food restaurants, a 24 Hour Fitness facility and just across I-5, Bridgeport Village that *many* middle and high school aged kids frequently visit. Many of these young people aren't old enough to drive so either walk or ride bikes in this area. There is a legal bike lane that runs through this commercial area specifically to provide a safer area to ride. With the addition of an adult entertainment establishment the safety factor is significantly and negatively impacted.

The addition of an adult entertainment facility located so close to the communities of River Grove, Lake Oswego and Tualatin is in direct opposition to the desire to keep these communities strong, safe, family oriented and thriving.

To quote Professor Richard McCleary with the University of California at Irvine:

It is a "scientific fact" that adult entertainment businesses can create a negative secondary impact like higher crime, McCleary testified.

I've attached the article that I took this quote from for your review. While there is much debate about the rise in criminal activity it is proven that violations for prostitution and drug trafficking increase significantly in the vicinities of adult entertainment establishments.

It is simply not appropriate to allow an establishment of this nature to conduct business in an area so closely linked with neighborhoods and schools.

Thank you for your time. Please don't hesitate to contact me if you'd like to discuss this further.

Sincerely,

Debra Mathews

Lake Oswego, OR

503-309-5729



Debra Mathews

Principal Broker, BS, GRI

Managing Broker

Windermere Pacific Northwest

Diamond Platinum Member

Portland Metro Association of Realtors

Cell 503-309-5729

Fax 503-284-8645

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SHERILYN LOMBOS

From: CB Wignot [cbwiggy@aol.com]
Sent: Sunday, September 14, 2008 10:57 PM
To: lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@roylaa.com; chris@barhyte.com; bboryska@aol.com; SHERILYN LOMBOS; Dolores@entry.law.com
Subject: ****SPAM**** Fw: Starz on McEwan Rd. in Tualatin

----- Original Message -----

From: CB Wignot
To: charles.ellis@state.or.us
Sent: Sunday, September 14, 2008 12:07 PM
Subject: Starz on McEwan Rd. in Tualatin

Dear Mr. Ellis,

I am a resident of Lake Oswego with 2 young children attending Westridge Elementary and Waluga Jr. High. My family, neighbors and fellow parents in this area are *outraged* about the proposed establishment of a "Starz" nude dancing club located within less than a mile of our schools and neighborhoods heavily populated with children!

My family and friends with children are frequent customers of the adjacent family friendly businesses such as Players, Millers Homestead, Taco Bell, Fuddruckers, Baja Fresh among others. I am extremely distressed at the possibility of a nude club that serves liquor centered among the places I normally take my children and their friends. Surely there must be a different location more suitable for the non-family friendly Starz nude club and clientele! I might suggest a more industrial, non-residential area along I-5. The McEwan Rd. location is adjacent to neighborhoods heavily populated with children!

I ask that you deny the liquor license to this business which has no place this close to residential neighborhoods so dense with children and family traffic.

Cynthia L. B Wignot
Tim Wignot
(503)638-3534
Lake Oswego residents

SHERILYN LOMBOS

From: Sandy Gardner [sandy_lu@verizon.net]
Sent: Sunday, September 14, 2008 7:42 PM
To: Charles.ellis@state.or.us; lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@barhyte.com; bboryska@aol.com; SHERILYN LOMBOS
Subject: Request for liquor license for Stars Cabaret

In regards to the request by Stars Cabaret for a transfer of liquor license in order to open a business on McEwan Road in Tualatin:

- Although the previous business in this location (Out of the Blues) had a liquor license, it was a business that did not cater to a heavily drinking crowd.
- As an adult-only strip club, Stars Cabaret will very likely have a clientele that drinks a lot more heavily.
- The location is in an area with businesses (most notably Players and Little Gym) that attract children and teens. Stars Cabaret would put heavily drinking adults in close proximity to those children and teens.
- Stars Cabaret proposed location across from Players will be an enticement to some minors. The OLCC has noted problems with the owners of Stars Cabaret allowing minors into their clubs. "Christie Scott, spokeswoman for the OLCC, called the licensees' combined history "borderline." Together, the licensees had some OLCC violations including failing a minor decoy operation" (from the Portland Tribune's article, "Another nude joint in Tualatin?")
- Adding Stars Cabaret strip club to the east side of I-5 when Jiggles already dominates the west side of I-5 in Tualatin would create an atmosphere very unfriendly to families. This is not the environment that our community should provide for our children.

Granting a liquor license to Stars Cabaret would be a great disservice to the community of Tualatin and to all families in the area.

Sandy Gardner
Tualatin Resident

SHERILYN LOMBOS

From: Belinda Sadler [sadlerb@gmail.com]
Sent: Friday, September 12, 2008 7:34 PM
To: SHERILYN LOMBOS; bboryska@aol.com; chris@barhyte.com; etruax@royalaa.com; maddux1@comcast.net; smbeikman@verizon.net; Jay@H-Mc.com; lou.ogden@juno.com
Subject: Copy of letter to letter to Mr. Ellis

Friday, September 12, 2008

Dear Mr. Ellis,

RE: Liquor license on McEwan Road in Tualatin

Please so do not allow the proposed liquor license. People unfamiliar with our area may exit the freeway and initially see businesses only but around a short curve you begin to see the residential neighborhood full of children. The businesses that are here cater to toddlers, elementary children, teens and families; a bar does not fit into our community.

This is not an affluent community but a hard working community that residents have pride in. Two blocks from this proposed bar you regularly see children with lemonade stands and the elementary school is nearby.

Our neighborhood is unique because the Tualatin River, train tracks and the freeway box us in so McEwan is a big part of our community and our everyday travel. Our neighborhood and the adjoining Lake Grove neighborhood families use McEwan to ride bikes, retired neighbors walk through there daily, people jog, walk to transit, etc. I was surprised that a liquor license was issued in the past to the last business in that spot. Although they had little business, it quickly became apparent as you drove by; you had to watch the drivers pulling out of that business very carefully and that business wasn't successful.

I wasn't aware, as most residents, when that business applied for their liquor license or I would have spoken up. Now I have a chance to correct that.

I am very glad that I found out about this proposed bar now. I have rented here for ten years and was just about to purchase property in the area. If this bar is approved, I won't. This bar would lower property values in the area and I would have a more difficult time selling that property. I feel very sorry for so many families and retirees that have put so much into their homes will have to take such a loss because of one business especially considering the state of the real estate market. More importantly is that the family-friendly atmosphere that area residents have worked to create will be allowed to diminish.

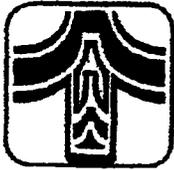
Please do not issue this liquor license.

Sincerely,

Belinda Sadler

6963 SW Childs Road

Lake Oswego, OR 97035



Attachment E

CITY OF TUALATIN

LIQUOR LICENSE APPLICATION

Date 8/1/2008

This is a three-page form.

If a question does not apply, please indicate N/A. Please include full names (last, first middle) and full dates of birth (month/day/year). Incomplete forms shall receive an unfavorable recommendation.

Thank you for your assistance and cooperation.

SECTION 1: TYPE OF APPLICATION

- Original (New) Application - \$100.00 Application Fee.
- Change in Previous Application - \$75.00 Application Fee.
- Renewal of Previous License - \$35.00 Application Fee. Applicant must possess current business license. License # _____
- Temporary License - \$35.00 Application Fee.

SECTION 2: DESCRIPTION OF BUSINESS

Name of business(dba): Stars Cabaret – Bridgeport

Business address: 17939 SW McEwan Road City: Tualatin State: OR Zip Code: 97075

Telephone #: 503-626-9909 Fax #: 503-627-0714

Name(s) of business manager(s): First JEFF Middle MICHAEL Last STRUHAR

Date of birth 6/27/1957 Social Security # _____ ODL# _____ M X F _____

Home address: 25989 BUTTEVILLE ROAD City: AUROA State: OR Zip Code: 97002
(attach additional pages if necessary)

Type of business: Restaurant

Type of food served: See Attached Menu

Type of entertainment (dancing, live music, exotic dancers, etc.): Live Music, DJ Music, Nude Entertainment, Coin Operated Games, Video Lottery Machines, Social Gaming

Days and hours of operation: Sunday 4 p.m.-2:30 a.m.; Monday-Saturday 11:00 a.m.-2:30 a.m.

Food service hours: Breakfast: N/A Lunch: N/A Dinner: 11 – 2:00 a.m.

Restaurant seating capacity: 78 Restaurant; 98 lounge (nondining) Outside or patio seating capacity: 20

How late will you have outside seating? 2 a.m. How late will you sell alcohol? 2:00 a.m.

How many full-time employees do you have? 10 Part-time employees? 10

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants: SCTO, Inc.

Type of liquor license (refer to OLCC form): Full On-Premises Sales

Form of entity holding license (check one and answer all related applicable questions):

INDIVIDUAL: If this box is checked, provide full name, date of birth, and residence address.
Full name: _____ Date of birth: _____
Residence address: _____

PARTNERSHIP: If this box is checked, provide full name, date of birth and residence address for each partner. If more than two partners exist, use additional pages. If partners are not individuals, also provide for each partner a description of the partner's legal form and the information required by the section corresponding to the partner's form.
Full name: _____ Date of birth: _____
Residence address: _____
Full name: _____ Date of birth: _____
Residence address: _____

CORPORATION: If this box is checked, complete (a) through (c).
(a) Name and business address of registered agent.
Full name: SCTO, Inc., an Oregon corporation
Business address: P.O. Box 629, Beaverton, Oregon 97075

(b) Does any shareholder own more than 50% of the outstanding shares of the corporation? If yes, provide the shareholder's full name, date of birth, and residence address.
Full name: NIMBY, LLC, an Oregon limited liability company Date of birth formation: 6-5-08
Residence address: P.O. Box 629, Beaverton, Oregon 97075

(c) Are there more than 35 shareholders of this corporation? Yes No If 35 or fewer shareholders, identify the corporation's president, treasurer, and secretary by full name, date of birth, and residence address.
Full name of president: _____ Date of birth: _____
Residence address: _____
Full name of treasurer: _____ Date of birth: _____
Residence address: _____
Full name of secretary: _____ Date of birth: _____
Residence address: _____

LIMITED LIABILITY COMPANY: If this box is checked, provide full name, date of birth, and residence address of each member. If there are more than two members, use additional pages to complete this question. If members are not individuals, also provide for each member a description of the member's legal form and the information required by the section corresponding to the member's form.
Full name: _____ Date of birth: _____
Residence address: _____
Full name: _____ Date of birth: _____
Residence address: _____



Randy Kaiser

OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION



PLEASE PRINT OR TYPE

Application is being made for:

LICENSE TYPES

- Full On-Premises Sales (\$402.60/yr)
 - Commercial Establishment
 - Caterer
 - Passenger Carrier
 - Other Public Location
 - Private Club
- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
 - with Fuel Pumps
- Brewery Public House (\$252.60)
- Winery (\$250/yr)
- Other: _____

ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other CITN

*P37981
L106370*

Applying as:

- Limited Partnership
- Corporation
- Limited Liability Company
- Individuals

FOR CITY AND COUNTY USE ONLY
The city council or county commission:

CITY OF TUALATIN
(name of city or county)

recommends that this license be:

Granted Denied

By: [Signature] 11/24/2008
(signature) (date)

Name: Lou Ogden

Title: Mayor

OLCC USE ONLY

Application Rec'd by: Ellis

Date: 8-19-08

90-day authority: Yes No ?

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

- ① SCTO, INC. ③ _____
- ② _____ ④ _____

2. Trade Name (dba): STARS CABINET - BRIDGEPORT

3. Business Location: 17939 SW McEWAN ROAD TIGARD WASHINGTON OR 97224
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: PO Box 629 BENVERTON OR 97075
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 503 626 9909 503 627 0714
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? Yes No

7. If yes to whom: MARCENT, LLC Type of License: FCOM

8. Former Business Name: OUT OF THE BLUES Broiler Bar + Billards

9. Will you have a manager? Yes No Name: TO BE DETERMINED
(manager must fill out an individual history form)

10. What is the local governing body where your business is located? TUALATIN
(name of city or county)

11. Contact person for this application: Randy Kaiser 503 887 2250
(name) (phone number(s))
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:
 ① [Signature] Date 7/31/08 ③ _____ Date _____
 ② _____ Date _____ ④ _____ Date _____



OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY

PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE. ATTACH ADDITIONAL SHEETS IF NECESSARY.

Trade Name (d.b.a.): STARS CARRIET - BRIDGEPORT City: TUALATIN

1. Name: STRUBAR (last) JEFF (first) MICHAEL (middle)

2. Other names used (maiden, other): N/A

3. Residence Address: 25989 BUTTEVILLE ROAD (number and street) APRORA (city) OR (state) 97002 (ZIP code)

4. Home Phone: (503) 678 1443 Business Phone: (503) 887 4841

5. *SS... of Birth: OHIO / USA (State/Country) DOB: 06 / 27 / 1957 (mm) (dd) (yyyy) Sex: M F

6. Driver License or State ID #: _____ State: OR Spouse's name: N/A

7. List all states, other than Oregon, where you have lived during the past ten years:
N/A

8. Do you currently hold, or have you ever held a liquor license in this or any other state? Yes No
If yes, when, where and name of premises? SEE ATTACHED

9. In the past twelve years, have you been convicted of any violation, misdemeanor or felony? Yes No
If yes, what, when and where? SEE ATTACHED

10. Have you ever entered into a diversion agreement? Yes No
If yes, when and where? _____

11. Do you have any arrests or citations that have not been resolved? Yes No
If yes, arrested/cited for: _____ Date _____ County/City/State/ _____

12. If you are applying for a retail liquor license: N/A
a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? Yes No If yes, what and where: _____
b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? Yes No If yes, who? _____

13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? Yes No If yes, when: _____ where: _____
SEE ATTACHED

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: Jeff Strubar Date: 7/31/08

***SOCIAL SECURITY NUMBER DISCLOSURE** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: Jeff Strubar Date: 7/31/08

OSP/DMV
Search Completed
AUG 01 2008

INITIALS: [Signature]



1-800-452-OLCC (6522)
www.oregon.gov/olcc

(rev. 12/07)

**STATE OF OREGON
OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY**

APPLICANT: JEFFREY M. STRUHAR

QUESTION 8: ARE YOU PRESENTLY OR HAVE YOU BEEN LICENSED IN THE LIQUOR BUSINESS?:

TRADE NAME	HOLDING COMPANY	LICENSEE	FROM	TO	CITY	STATE
STARS CABARET & STEAKHOUSE (BEAVERTON)	NPC CONCEPTS	FREHOO, INC.	APRIL, 1986	PRESENT	BEAVERTON	OR
STARS CABARET... ON THE RIVER (SALEM)	GFP, LLC	T&TT, INC.	OCTOBER, 1998	MARCH, 2006	SALEM	OR
STARS CABARET... IN THE CASCADES (BEND)	CSU, LLC	WTH, INC.	NOVEMBER, 1999	PRESENT	BEND	OR
BOOGIE WOOGIES	NONE	BW, LLC	DECEMBER, 2000	APRIL, 2003	PORTLAND	OR
BOOGIE WOOGIES	NONE	BOOGIE WOOGIES, LLC	OCTOBER, 2003	JULY, 2005	BOISE	ID
SAFARI SHOWCLUB	NONE	OTRA, LLC	MARCH, 2004	PRESENT	PORTLAND	OR
STARS CABARET ... AT THE CAPITOL (SALEM)	2828, LLC	SCS2, INC.	MARCH, 2008	PRESENT	SALEM	OR

QUESTION 9: HAVE YOU EVERY BEEN CONVICTED OF A CRIME, VIOLATION OR INFRACTION OF LAWT:

OFFENSE	DATE	CITY AND STATE	RESULT
ALLOWED ENTERTAINER TO WORK WITHOUT VALIN PERMIT	1983	SAN DIEGO, CA	ONE YEAR PROBATION
MINOR TRAFFIC VIOLATION	1987	BEAVERTON, OR	PAID FINE
TRAFFIC VIOLATION - SPEEDING	2001	BEAVERTON, OR	PAID FINE

QUESTION 13: HAVE YOU EVER RECEIVED A WARNING, A NOTICE OF VIOLATION, SUSPENSION OR REVOCATION AS A LICENSEE OR PERMITTEE?:

TRADE NAME	ACTION/RESULT
STARS - BEAVERTON	<ol style="list-style-type: none"> 1 RECEIVED NOTICE OF VIOLATIONS IN 1988 PERTAINING TO UNDISCLOSED OWNERSHIP AND MISREPRESENTATIONS AFTER HEARING; ALL CHARGES WERE DISMISSED. 2 RECEIVED VIOLATIONS PERTAINING TO LEWD ENTERTAINMENT AND OPERATING NOT AS LICENSED; ENTERED INTO NEGOTIATED SETTLEMENT RESULTING IN FINES AND SUSPENSION (2003) 3 SERVICE TO MINOR (2004) 4 EMPLOYEE WORKING WITHOUT VALID SERVICE PERMIT (2008)
STARS-SALEM (T&TT, INC.)	<ol style="list-style-type: none"> 1 RECEIVED VIOLATION FOR EMPLOYEES ALLOWING MINORS TO REMAIN IN NO MINORS FACILITY; PAID FINE (2002) 2 RECEIVED VIOLATIONS PERTAINING TO LEWD ENTERTAINMENT AND MINOR ENTERTAINERS ALLOWED TO REMAIN IN A NO MINOR AREA; NEGOTIATED SETTLEMENT RESULTING IN FINES AND SUSPENSION (2000) 3 RECEIVED WARNING FOR MAINTAINING DISORDERLY PREMISE (2003)
STARS-BEND	<ol style="list-style-type: none"> 1 CORPORATE LICENSEE RECEIVED REMPRIMAND FOR SERVICE TO A VIP PATRON BY LICENSEE'S EMPLOYEE (2000) 2 RECEIVED VIOLATION FOR ALLOWING MINOR ENTERTAINERS IN A PROHIBITED AREA (2001); PAID FINE 3 RECEIVED WARNING FOR MAINTAINING DISORDERLY PREMISE (2002) 4 RECEIVED WARNING FOR EMPLOYEE WORKING WITHOUT A VALID SERVICE PERMIT (2008)
SAFARI SHOWCLUB - OTRA, LLC	<ol style="list-style-type: none"> 1 EMPLOYEE WORKING WITHOUT VALID SERVICE PERMIT (2006) 2 SERVICE PERMIT WARNING (2008)
STARS CABARET...AT THE CAPITOL (SCS2, INC)	NONE



OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY

PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE. ATTACH ADDITIONAL SHEETS IF NECESSARY.

Trade Name (d.b.a.): STARS CASABET - BRIDGEPORT City: TUALATIN

1. Name: MITCHELL TODD MARLOWE
(last) (first) (middle)

2. Other names used (maiden, other): N/A

3. Residence Address: 377 IRONWOOD TERRACE WOODBURN OR 97001
(number and street) (city) (state) (ZIP code)

4. Home Phone: (503) 982 5186 Business Phone: (503) 887 3950

5. *SSN: _____ Place of Birth: FLORIDA/USA DOB: 05/19/1962 Sex: M F
(State/Country) (mm) (dd) (yyyy)

6. Driver License or State ID #: _____ State: OR Spouse's name: N/A

7. List all states, other than Oregon, where you have lived during the past ten years:
N/A

8. Do you currently hold, or have you ever held a liquor license in this or any other state? Yes No
If yes, when, where and name of premises? SEE ATTACHED

9. In the past twelve years, have you been convicted of any violation, misdemeanor or felony? Yes No
If yes, what, when and where? SEE ATTACHED

10. Have you ever entered into a diversion agreement? Yes No
If yes, when and where? _____

11. Do you have any arrests or citations that have not been resolved? Yes No
If yes, arrested/cited for: _____ Date: _____ County/City/State/ _____

12. If you are applying for a retail liquor license: N/A
a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? Yes No If yes, what and where: _____
b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? Yes No If yes, who? _____

13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? Yes No If yes, when: _____ where: _____
SEE ATTACHED

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: [Signature] Date: 7/31/08

***SOCIAL SECURITY NUMBER DISCLOSURE** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: [Signature] Date: 7/31/08



1-800-452-OLCC (6522)
www.oregon.gov/olcc

(rev. 12/07)

**STATE OF OREGON
OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY**

APPLICANT: TODD MITCHELL

QUESTION 8: ARE YOU PRESENTLY OR HAVE YOU BEEN LICENSED IN THE LIQUOR BUSINESS?:

TRADE NAME	HOLDING COMPANY	LICENSEE	FROM	TO	CITY	STATE
STARS CABARET & STEAKHOUSE (BEAVERTON)	NPC CONCEPTS	FREHOO, INC.	APRIL, 1986	PRESENT	BEAVERTON	OR
STARS CABARET...ON THE RIVER (SALEM)	GFP, LLC	T&TT, INC.	OCTOBER, 1998	MARCH, 2006	SALEM	OR
STARS CABARET...IN THE CASCADES (BEND)	CSU, LLC	WTH, INC.	NOVEMBER, 1989	PRESENT	BEND	OR
BOOGIE WOOGIES	NONE	BW, LLC	DECEMBER, 2000	APRIL, 2003	PORTLAND	OR
BOOGIE WOOGIES	NONE	BOOGIE WOOGIES, LLC	OCTOBER, 2003	JULY, 2005	BOISE	ID
SAFARI SHOWCLUB	NONE	OTRA, LLC	MARCH, 2004	PRESENT	PORTLAND	OR
STARS CABARET ... AT THE CAPITOL (SALEM)	2S2S, LLC	SCS2, INC.	MARCH, 2006	PRESENT	SALEM	OR

QUESTION 9: HAVE YOU EVERY BEEN CONVICTED OF A CRIME, VIOLATION OR INFRACTION OF LAW?:

OFFENSE	DATE	CITY AND STATE	RESULT
TRAFFIC VIOLATION: SPEEDING	2001	CANBY	PAID FINE
TRAFFIC VIOLATION: PASSING A SCHOOL BUS	2000	SALEM	PAID FINE
DOG LEASH VIOLATION	1992	SCOTTSDALE, AZ	PAID FINE
JET SKI VIOLATION	1992	MESA, AZ	PAID FINE
LIQUOR LAW VIOLATION			
RE: NUDDITY			
TRAFFIC VIOLATION: VARIOUS	1983	SAN DIEGO, CA	RESOLVED BY EMPLOYER PAID FINES

QUESTION 13: HAVE YOU EVER RECEIVED A WARNING, A NOTICE OF VIOLATION, SUSPENSION OR REVOCATION AS A LICENSEE OR PERMITTEE?:

TRADE NAME	ACTION/RESULT
STARS - BEAVERTON	1 RECEIVED NOTICE OF VIOLATIONS IN 1986 PERTAINING TO UNDISCLOSED OWNERSHIP AND MISREPRESENTATIONS AFTER HEARING. ALL CHARGES WERE DISMISSED. 2 RECEIVED VIOLATIONS PERTAINING TO LEWD ENTERTAINMENT AND OPERATING NOT AS LICENSED; ENTERED INTO NEGOTIATED SETTLEMENT RESULTING IN FINES AND SUSPENSION (2003) 3 SERVICE TO MINOR (2004) 4 EMPLOYEE WORKING WITHOUT VALID SERVICE PERMIT (2008)
STARS-SALEM (T&TT, INC.)	1 RECEIVED VIOLATION FOR EMPLOYEES ALLOWING MINORS TO REMAIN IN NO MINORS FACILITY; PAID FINE (2002) 2 RECEIVED VIOLATIONS PERTAINING TO LEWD ENTERTAINMENT AND MINOR ENTERTAINERS ALLOWED TO REMAIN IN A NO MINOR AREA; NEGOTIATED SETTLEMENT RESULTING IN FINES AND SUSPENSION (2000) 3 RECEIVED WARNING FOR MAINTAINING DISORDERLY PREMISE (2003)
STARS-BEND	1 CORPORATE LICENSEE RECEIVED REMPRAND FOR SERVICE TO A VIP PATRON BY LICENSEE'S EMPLOYEE (2000) 2 RECEIVED VIOLATION FOR ALLOWING MINOR ENTERTAINERS IN A PROHIBITED AREA (2001); PAID FINE 3 RECEIVED WARNING FOR MAINTAINING DISORDERLY PREMISE (2002) 4 RECEIVED WARNING FOR EMPLOYEE WORKING WITHOUT A VALID SERVICE PERMIT (2008)
SAFARI SHOWCLUB - OTRA, LLC	1 EMPLOYEE WORKING WITHOUT VALID SERVICE PERMIT (2006) 2 SERVICE PERMIT WARNING (2006)
STARS CABARET...AT THE CAPITOL (SCS2, INC)	NONE



OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY

PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE. ATTACH ADDITIONAL SHEETS IF NECESSARY.

Trade Name (d.b.a.): STARS CRYMET - BRIDGEPORT City: TUALATIN

1. Name: GARRETT (last) JOHN (first) DEMPSEY (middle)

2. Other names used (maiden, other): N/A

3. Residence Address: 2117 WALNUT ST. #10 (number and street) BOULDER, CO (city) 80302 (state) (ZIP code)

4. Home Phone: (303) 247 0928 Business Phone: (303) 924-7037

5. *SSN _____ Place of Birth: INDIANAPOLIS IN (State/Country) USA DOB: 06 (mm) 04 (dd) 1956 (yyyy) Sex: M F

6. Driver License or State ID #: _____ 670 State: CO Spouse's name: N/A

7. List all states, other than Oregon, where you have lived during the past ten years: COLORADO

8. Do you currently hold, or have you ever held a liquor license in this or any other state? Yes No
If yes, when, where and name of premises? MEMPHO, TN (PRESENT), WITH INC (PRESENT)
SEE ATTACHED

9. In the past twelve years, have you been convicted of any violation, misdemeanor or felony? Yes No
If yes, what, when and where? _____

10. Have you ever entered into a diversion agreement? Yes No
If yes, when and where? _____

OSP/DMV
Search Completed

11. Do you have any arrests or citations that have not been resolved? Yes No
If yes, arrested/cited for: _____ Date: _____ County/City/State/ _____

AUG 01 2008

12. If you are applying for a retail liquor license: N/A
a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? Yes No If yes, what and where: _____

INITIALS: [Signature]

b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? Yes No If yes, who? _____

13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? Yes No If yes, when: _____ where: _____
SEE ATTACHED

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: John D. Garrett Date: 7/7/08

***SOCIAL SECURITY NUMBER DISCLOSURE** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.
Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes. (5 USC § 552(a)). If you consent to these uses, please sign here:
Applicant Signature: John D. Garrett Date: 7/7/08



**STATE OF OREGON
OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY**

APPLICANT: JOHN GARRETT

QUESTION 8: ARE YOU PRESENTLY OR HAVE YOU BEEN LICENSED IN THE LIQUOR BUSINESS?:

TRADE NAME	HOLDING COMPANY	LICENSEE	FROM	TO	CITY	STATE
STARS CABARET & STEAKHOUSE (BEAVERTON)	NPC CONCEPTS	FREHOO, INC.	APRIL, 1996	PRESENT	BEAVERTON	OR
BOOGIE WOOGIES	NONE	BOOGIE WOOGIES, LLC	OCTOBER, 2003	JULY, 2005	BOISE	ID
STARS CABARET...IN THE CASCADES (BEND)	CSU, LLC	WTH, INC.	MARCH, 2006	PRESENT	BEND	OR

QUESTION 13: HAVE YOU EVER RECEIVED A WARNING, A NOTICE OF VIOLATION, SUSPENSION OR REVOCATION AS A LICENSEE OR PERMITTEE?:

TRADE NAME	ACTION/RESULT
------------	---------------

STARS - BEAVERTON

- 1 RECEIVED NOTICE OF VIOLATIONS IN 1996 PERTAINING TO UNDISCLOSED OWNERSHIP AND MISREPRESENTATIONS AFTER HEARING. ALL CHARGES WERE DISMISSED.
- 2 RECEIVED VIOLATIONS PERTAINING TO LEWD ENTERTAINMENT AND OPERATING NOT AS LICENSED; ENTERED INTO NEGOTIATED SETTLEMENT RESULTING IN FINES AND SUSPENSION (2003)
- 3 SERVICE TO MINOR (2004)
- 4 EMPLOYEE WORKING WITHOUT VALID SERVICE PERMIT (2008)

STARS-BEND

- 1 CORPORATE LICENSEE RECEIVED REMPRIMAND FOR SERVICE TO A VIP PATRON BY LICENSEE'S EMPLOYEE (2000)
- 2 RECEIVED VIOLATION FOR ALLOWING MINOR ENTERTAINERS IN A PROHIBITED AREA (2001); PAID FINE
- 3 RECEIVED WARNING FOR MAINTAINING DISORDERLY PREMISE (2002)
- 4 RECEIVED WARNING FOR EMPLOYEE WORKING WITHOUT A VALID SERVICE PERMIT (2008)



OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY

PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE. ATTACH ADDITIONAL SHEETS IF NECESSARY.

Trade Name (d.b.a.): STARS CABARET - BRIDGEPORT City: TUALATIN

1. Name: KAISER RANDY BAIL
(last) (first) (middle)

2. Other names used (maiden, other): N/A

3. Residence Address: 1814 NW REMARKABLE DR BEND, OR 97701
(number and street) (city) (state) (ZIP code)

4. Home Phone: (541) 312 9625 Business Phone: (503) 887 2250

5. *SSN: --- Place of Birth: OMAHA, NB DOB: 07 / 10 / 1983 Sex: M F
(State/Country) (mm) (dd) (yyyy)

6. Driver License or State ID #: --- State: OR Spouse's name: N/A

7. List all states, other than Oregon, where you have lived during the past ten years:
N/A

8. Do you currently hold, or have you ever held a liquor license in this or any other state? Yes No
If yes, when, where and name of premises? SEE ATTACHED

9. In the past twelve years, have you been convicted of any violation, misdemeanor or felony? Yes No
If yes, what, when and where? SEE ATTACHED

10. Have you ever entered into a diversion agreement? Yes No
If yes, when and where? _____

11. Do you have any arrests or citations that have not been resolved? Yes No
If yes, arrested/cited for: _____ Date _____ County/City/State/ _____

12. If you are applying for a retail liquor license: N/A
a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? Yes No If yes, what and where: _____
b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? Yes No If yes, who? _____

13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? Yes No If yes, when: _____ where: _____
SEE ATTACHED

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: [Signature] Date: 7/31/08

***SOCIAL SECURITY NUMBER DISCLOSURE** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.
Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:
Applicant Signature: [Signature] Date: 7/31/08

OSP/DMV
Search Completed
AUG 01 2008
INITIALS: [Signature]



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**STATE OF OREGON
OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY**

APPLICANT: RANDY KAISER

QUESTION 8: ARE YOU PRESENTLY OR HAVE YOU BEEN LICENSED IN THE LIQUOR BUSINESS?:

TRADE NAME	HOLDING COMPANY	LICENSEE	FROM	TO	CITY	STATE
STARS CABARET & STEAKHOUSE (BEAVERTON)	NPC CONCEPTS	FREHOO, INC.	APRIL, 1996	PRESENT	BEAVERTON	OR
STARS CABARET...ON THE RIVER (SALEM)	GFP, LLC	T&TT, INC	OCTOBER, 1998	MARCH, 2006	SALEM	OR
STARS CABARET...IN THE CASCADES (BEND)	CSU, LLC	WTH, INC.	NOVEMBER, 1999	PRESENT	BEND	OR
PATT'S	NONE	GRESHAM MAIN STREET DELI, LLC	JULY, 2000	PRESENT	GRESHAM	OR
BOOGIE WOOGIES	NONE	BW, LLC	DECEMBER, 2000	APRIL, 2003	PORTLAND	OR
BOOGIE WOOGIES	NONE	BOOGIE WOOGIES, LLC	OCTOBER, 2003	JULY, 2006	BOISE	ID
SAFARI SHOWCLUB	NONE	OTRA, LLC	MARCH, 2004	PRESENT	PORTLAND	OR
STARS CABARET ... AT THE CAPITOL (SALEM)	2SZS, LLC	SCS2, INC.	MARCH, 2006	PRESENT	SALEM	OR
LA LOMA / SOFA KING ASB	NONE	LA LOMA, INC	FEBRUARY, 2007	PRESENT	GRESHAM	OR

QUESTION 9: HAVE YOU EVERY BEEN CONVICTED OF A CRIME, VIOLATION OR INFRACTION OF LAW?:

OFFENSE	DATE	CITY AND STATE	RESULT
TRAFFIC VIOLATION: FAILURE TO STOP PRIOR TO ENTERING PUBLIC STREET	2007	BEND, OR	PAID FINE
TRAFFIC VIOLATION: FAILURE TO YIELD TO PEDESTRIAN	2003	BEND, OR	PAID FINE
TRAFFIC VIOLATION: SPEEDING	2003	GRESHAM, OR	PAID FINE
TRAFFIC VIOLATION: SPEEDING	2003	SISTERS, OR	PAID FINE
TRAFFIC VIOLATION: SPEEDING	1999	BEAVERTON, OR	PAID FINE
TRAFFIC VIOLATION: DRIVING WITH SUSPENDED PRIVILEGES	1996	BEAVERTON, OR	PAID FINE
TRAFFIC VIOLATION: VARIOUS	1978-1995	DENVER, CO	PAID FINES
TRAFFIC VIOLATION: VARIOUS	1969-1978	PHOENIX, AZ	PAID FINES

QUESTIONS 13: HAVE YOU EVER RECEIVED A WARNING, A NOTICE OF VIOLATION, SUSPENSION OR REVOCATION AS A LICENSEE OR PERMITTEE?:

TRADE NAME	ACTION/RESULT
STARS - BEAVERTON	<ol style="list-style-type: none"> 1 RECEIVED NOTICE OF VIOLATIONS IN 1998 PERTAINING TO UNDISCLOSED OWNERSHIP AND MISREPRESENTATIONS AFTER HEARING. ALL CHARGES WERE DISMISSED. 2 RECEIVED VIOLATIONS PERTAINING TO LEWD ENTERTAINMENT AND OPERATING NOT AS LICENSED; ENTERED INTO NEGOTIATED SETTLEMENT RESULTING IN FINES AND SUSPENSION (2003) 3 SERVICE TO MINOR (2004) 4 EMPLOYEE WORKING WITHOUT VALID SERVICE PERMIT (2006)
STARS-SALEM (T&TT, INC.)	<ol style="list-style-type: none"> 1 RECEIVED VIOLATION FOR EMPLOYEES ALLOWING MINORS TO REMAIN IN NO MINORS FACILITY; PAID FINE (2002) 2 RECEIVED VIOLATIONS PERTAINING TO LEWD ENTERTAINMENT AND MINOR ENTERTAINERS ALLOWED TO REMAIN IN A NO MINOR AREA; NEGOTIATED SETTLEMENT RESULTING IN FINES AND SUSPENSION (2000) 3 RECEIVED WARNING FOR MAINTAINING DISORDERLY PREMISE (2003)
STARS-BEND	<ol style="list-style-type: none"> 1 CORPORATE LICENSEE RECEIVED REMPRIMAND FOR SERVICE TO A VIP PATRON BY LICENSEE'S EMPLOYEE (2000) 2 RECEIVED VIOLATION FOR ALLOWING MINOR ENTERTAINERS IN A PROHIBITED AREA (2001); PAID FINE 3 RECEIVED WARNING FOR MAINTAINING DISORDERLY PREMISE (2002) 4 RECEIVED WARNING FOR EMPLOYEE WORKING WITHOUT A VALID SERVICE PERMIT
GRESHAM MAIN STREET DELI	NONE
SAFARI SHOWCLUB - OTRA, LLC	<ol style="list-style-type: none"> 1 EMPLOYEE WORKING WITHOUT VALID SERVICE PERMIT (2006) 2 SERVICE PERMIT WARNING (2008)
STARS CABARET...AT THE CAPITOL (SCS2, INC)	NONE
LA LOMA, INC.	NONE



OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY

PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE. ATTACH ADDITIONAL SHEETS IF NECESSARY.

Trade Name (d.b.a.): STARS CARNET - BUDGET City: TUALATIN

1. Name: COLBURN PAMELA ANN
(last) (first) (middle)

2. Other names used (maiden, other): N/A

3. Residence Address: 1787 S. JASMINE DENVER CO 80224
(number and street) (city) (state) (ZIP code)

4. Home Phone: (303) 778 6272 Business Phone: (303) 898 8500

5. *SSI _____ ce of Birth: DENVER, CO USA DOB: 02 / 21 / 1952 Sex: M ___ F
(State/Country) (mm) (dd) (yyyy)

6. Driver License or State ID #: _____ State: CO Spouse's name: N/A

7. List all states, other than Oregon, where you have lived during the past ten years:
COLORADO

8. Do you currently hold, or have you ever held a liquor license in this or any other state? Yes ___ No
If yes, when, where and name of premises? SEE ATTACHED

9. In the past twelve years, have you been convicted of any violation, misdemeanor or felony? Yes ___ No
If yes, what, when and where? SEE ATTACHED

10. Have you ever entered into a diversion agreement? ___ Yes No
If yes, when and where? _____

11. Do you have any arrests or citations that have not been resolved? ___ Yes No
If yes, arrested/cited for: _____ Date: _____ County/City/State/ _____

OSP/DMV
Search Completed
AUG 01 2008
MINISTER OF DISTRICTS

12. If you are applying for a retail liquor license: N/A
a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? ___ Yes ___ No If yes, what and where: _____
b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? ___ Yes ___ No If yes, who? _____

13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? Yes ___ No If yes, when: _____ where: _____
SEE ATTACHED

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: Pamela Colburn Date: 7-31-08

***SOCIAL SECURITY NUMBER DISCLOSURE** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 686(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.
Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:
Applicant Signature: _____ Date: _____



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OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY

PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE. ATTACH ADDITIONAL SHEETS IF NECESSARY.

Trade Name (d.b.a.): STARS CABARET - BRIDGEPORT City: TUALATIN

1. Name: MYERS (last) LISA (first) (middle)

2. Other names used (maiden, other): LISA HEINZMAN-MYERS

3. Residence Address: 4453 PAZI WAY (number and street) BOULDER CO (city) 80301 (state) (ZIP code)

4. Home Phone: (303) 530 9730 Business Phone: (303) 919 5918

5. *State of Birth: COLORADO/USA (State/Country) DOB: 02 / 20 / 1957 (mm) (dd) (yyyy) Sex: M F

6. Driver License or State ID #: _____ State: CO Spouse's name: JEFF MYERS

7. List all states, other than Oregon, where you have lived during the past ten years: COLORADO

8. Do you currently hold, or have you ever held a liquor license in this or any other state? Yes No
If yes, when, where and name of premises? SEE ATTACHED

9. In the past twelve years, have you been convicted of **any** violation, misdemeanor or felony? Yes No
If yes, what, when and where? _____

10. Have you ever entered into a diversion agreement? Yes No
If yes, when and where? _____

11. Do you have any arrests or citations that have not been resolved? Yes No
If yes, arrested/cited for: _____ Date: _____ County/City/State/ _____

12. If you are applying for a retail liquor license: N/A
a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? Yes No If yes, what and where: _____
b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? Yes No If yes, who? _____

13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? Yes No If yes, when: _____ where: SEE ATTACHED

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: Lisa Heinzman Myers Date: 7/31/08

***SOCIAL SECURITY NUMBER DISCLOSURE** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: Lisa Heinzman Myers Date: 7/31/08

OSP/DMV
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**STATE OF OREGON
OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY**

APPLICANT: LISA MYERS

QUESTION 8: ARE YOU PRESENTLY OR HAVE YOU BEEN LICENSED IN THE LIQUOR BUSINESS?:

TRADE NAME	HOLDING COMPANY	LICENSEE	FROM	TO	CITY	STATE
STARS CABARET & STEAKHOUSE (BEAVERTON)	NPC CONCEPTS	FREHOO, INC.	APRIL, 1996	PRESENT	BEAVERTON	OR
BOOGIE WOOGIES	NONE	BW, LLC	DECEMBER, 2000	APRIL, 2003	PORTLAND	OR
BOOGIE WOOGIES	NONE	BOOGIE WOOGIES, LLC	OCTOBER, 2003	JULY, 2005	BOISE	ID
SAFARI SHOWCLUB	NONE	OTRA, LLC	MARCH, 2004	PRESENT	PORTLAND	OR
STARS CABARET...IN THE CASCADES (BEND)	CSU, LLC	WTH, INC.	MARCH, 2006	PRESENT	BEND	OR
STARS CABARET ... AT THE CAPITOL (SALEM)	2S2S, LLC	SCS2, INC.	MARCH, 2006	PRESENT	SALEM	OR

QUESTION 13: HAVE YOU EVER RECEIVED A WARNING, A NOTICE OF VIOLATION, SUSPENSION OR REVOCATION AS A LICENSEE OR PERMITTEE?:

TRADE NAME	ACTION/RESULT
STARS - BEAVERTON	<ol style="list-style-type: none"> 1 RECEIVED NOTICE OF VIOLATIONS IN 1996 PERTAINING TO UNDISCLOSED OWNERSHIP AND MISREPRESENTATIONS AFTER HEARING, ALL CHARGES WERE DISMISSED. 2 RECEIVED VIOLATIONS PERTAINING TO LEWD ENTERTAINMENT AND OPERATING NOT AS LICENSED; ENTERED INTO NEGOTIATED SETTLEMENT RESULTING IN FINES AND SUSPENSION (2003) 3 SERVICE TO MINOR (2004) 4 EMPLOYEE WORKING WITHOUT VALID SERVICE PERMIT (2008)
STARS-BEND	<ol style="list-style-type: none"> 1 CORPORATE LICENSEE RECEIVED REMPRIMAND FOR SERVICE TO A VIP PATRON BY LICENSEE'S EMPLOYEE (2000) 2 RECEIVED VIOLATION FOR ALLOWING MINOR ENTERTAINERS IN A PROHIBITED AREA (2001); PAID FINE 3 RECEIVED WARNING FOR MAINTAINING DISORDERLY PREMISE (2002) 4 RECEIVED WARNING FOR EMPLOYEE WORKING WITHOUT A VALID SERVICE PERMIT (2008)
SAFARI SHOWCLUB - OTRA, LLC	<ol style="list-style-type: none"> 1 EMPLOYEE WORKING WITHOUT VALID SERVICE PERMIT (2006) 2 SERVICE PERMIT WARNING (2008)
STARS CABARET...AT THE CAPITOL (SCS2, INC)	NONE

OREGON LIQUOR CONTROL COMMISSION
CORPORATION QUESTIONNAIRE



- See section 2 of Guide for help with this form.

Please Print or Type

Corporation Name: SCTO, Inc. Year Incorporated: 2008
 Trade Name (dba): STARS CABARET - BRIDGEPORT
 Business Location Address: 17939 SW McEWAN ROAD
 City: TIGARD, OR ZIP Code: 97224

List Corporate Officers

<u>Jeff Shruhar</u> (name)	<u>President</u> (title)
<u>Todd Mitchell</u>	<u>Vice President</u>
<u>Randy Kaiser</u>	<u>Secretary/Treasurer</u>

List Board of Directors:

Jeff Struhar
(name)
Todd Mitchell
Randy Kaiser

List Stockholders:

(Note: If any stockholder is a corporation, that corporation may need to complete another Corporation Questionnaire. See Liquor License Application Guide for more information.)

Stockholders	Number of Shares Held	Number of Stock Shares:
<u>NIMBY, LLC</u>	<u>100</u>	Issued: <u>100</u> Unissued: <u>0</u> Total Shares Authorized to Issue: <u>100</u>
_____	_____	
_____	_____	
_____	_____	

Server Education Designee: RANDY KAISER DOB: 7/10/53
 (See Liquor License Application Guide for more information)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Officer's Signature: [Signature] (name) Secretary (title) Date: 7/31/08

OREGON LIQUOR CONTROL COMMISSION
CORPORATION QUESTIONNAIRE



- See section 2 of Guide for help with this form.

Please Print or Type

Corporation Name: JMS Holdings, Inc. Year Incorporated: 1999

Trade Name (dba): _____

Business Location Address: PO Box 629

City: BENWATON ZIP Code: 97075

List Corporate Officers

Jeff Shruhar
(name)

President/Secretary
(title)

List Board of Directors:

Jeff Struhar
(name)

List Stockholders:

(Note: If any stockholder is a corporation, that corporation may need to complete another Corporation Questionnaire. See Liquor License Application Guide for more information.)

Stockholders

Number of Shares Held

Number of Stock Shares:

Jeff Struhar

100

Issued: 100

Unissued: 0

Total Shares Authorized to Issue: 100

Server Education Designee: N/A DOB: N/A
(See Liquor License Application Guide for more information)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Officer's Signature: Jeff Struhar President/Secretary Date: 7/31/08
(name) (title)

OREGON LIQUOR CONTROL COMMISSION
CORPORATION QUESTIONNAIRE



- See section 2 of Guide for help with this form.

Please Print or Type

Corporation Name: IHAT, Inc. Year Incorporated: 1999

Trade Name (dba): _____

Business Location Address: _____

City: _____ ZIP Code: _____

List Corporate Officers

<u>Lisa K. Myers</u> (name)	<u>President/Secretary</u> (title)
_____	_____
_____	_____
_____	_____

List Board of Directors:

Lisa K. Myers
(name)

List Stockholders:

(Note: If any stockholder is a corporation, that corporation may need to complete another Corporation Questionnaire. See Liquor License Application Guide for more information.)

Stockholders	Number of Shares Held	Number of Stock Shares:
<u>Lisa K. Myers</u>	<u>100</u>	Issued: <u>100</u>
_____	_____	Unissued: <u>0</u>
_____	_____	Total Shares Authorized to Issue: <u>100</u>
_____	_____	

Server Education Designee: N/A DOB: N/A
(See Liquor License Application Guide for more information)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Officer's Signature: *Lisa K. Myers* President/Secretary Date: 7/30/08
(name) (title)

OREGON LIQUOR CONTROL COMMISSION
CORPORATION QUESTIONNAIRE



- See section 2 of Guide for help with this form.

Please Print or Type

Corporation Name: SHM Holdings, Inc. Year Incorporated: 2000

Trade Name (dba): _____

Business Location Address: PO Box 629

City: BEAVERTON ZIP Code: 97075

List Corporate Officers

Todd Mitchell
(name)

President/Secretary
(title)

List Board of Directors:

Todd Mitchell
(name)

List Stockholders:

(Note: If any stockholder is a corporation, that corporation may need to complete another Corporation Questionnaire. See Liquor License Application Guide for more information.)

<u>Stockholders</u>	<u>Number of Shares Held</u>
<u>Todd Mitchell</u>	<u>100</u>
_____	_____
_____	_____
_____	_____

Number of Stock Shares:	
Issued:	<u>100</u>
Unissued:	<u>0</u>
Total Shares Authorized to Issue:	<u>100</u>

Server Education Designee: N/A DOB: N/A
(See Liquor License Application Guide for more information)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Officer's Signature: [Signature] (name) _____ (title) Date: 7/31/08

OREGON LIQUOR CONTROL COMMISSION
CORPORATION QUESTIONNAIRE



- See section 2 of Guide for help with this form.

Please Print or Type

Corporation Name: Phoenix Holdings, Inc. Year Incorporated: 1994

Trade Name (dba): _____

Business Location Address: PO Box 2249

City: BENNETT ZIP Code: 97075

List Corporate Officers

Randy Kaiser President
(name) (title)

Pamela Ann Colburn Secretary/Treasurer

List Board of Directors:

Pamela Ann Colburn
(name)

List Stockholders:

(Note: If any stockholder is a corporation, that corporation may need to complete another Corporation Questionnaire. See Liquor License Application Guide for more information.)

Stockholders	Number of Shares Held	Number of Stock Shares:
<u>Randy Kaiser</u>	<u>800</u>	Issued: <u>1,000</u>
<u>Pamela Ann Colburn</u>	<u>200</u>	Unissued: <u>0</u>
_____	_____	Total Shares Authorized to Issue: <u>1,000</u>
_____	_____	

Server Education Designee: N/A DOB: N/A
(See Liquor License Application Guide for more information)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Officer's Signature: [Signature] [Signature] Date: 7/31/08
(name) (title)

OREGON LIQUOR CONTROL COMMISSION
 LIMITED LIABILITY COMPANY QUESTIONNAIRE



- See section 2 of Guide for help with this form.

Please Print or Type

LLC Name: NIMBY, LLC Year Filed: 2008

Trade Name (dba): N/A

Business Location Address: Po Box 629

City: BEVINGTON ZIP Code: 97075

List Members of LLC:

Percentage of Membership Interest:

1. <u>John Garrett</u> (managing member)	<u>5.0794%</u>
2. <u>JMS Holdings, Inc.</u> (members)	<u>29.52338%</u>
3. <u>SHM Holdings, Inc.</u>	<u>21.5873%</u>
4. <u>Phoenix Holdings, Inc.</u>	<u>22.2222%</u>
5. <u>IHAT, Inc.</u>	<u>21.5873%</u>
6. _____	_____

(Note: If any LLC members is another legal entity, that entity must also complete an LLC, Limited Partnership or Corporation Questionnaire. If the LLC has officers, please list them on a separate sheet of paper with their titles.)

Server Education Designee: Randy Kaiser DOB: 7/6/53

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Signature: [Signature] (name) member (title) Date: 7/31/08



OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION

Please Print or Type

Applicant Name: SCTO, INC Phone: 503 629 9909
503 887 2250

Trade Name (dba): STARS CABINET - BRIDGEPORT

Business Location Address: 17939 SW McEWAN ROAD

City: TIGARD / TUALATIN ZIP Code: 97224

DAYS AND HOURS OF OPERATION

Business Hours:
Sunday 4 P to 2:30 A
Monday 11 A to 2:30 A
Tuesday 11 A to 2:30 A
Wednesday 11 A to 2:30 A
Thursday 11 A to 2:30 A
Friday 11 A to 2:30 A
Saturday 11 A to 2:30 A

Outdoor Area Hours:
Sunday 4 P to 2 A
Monday 11 P to 2 A
Tuesday 11 P to 2 A
Wednesday 11 P to 2 A
Thursday 11 P to 2 A
Friday 11 P to 2 A
Saturday 11 P to 2 A

The outdoor area is used for:
 Food service Hours: 11 AM to 2 AM
 Alcohol service Hours: 11 AM to 2 AM
 Enclosed, how _____
The exterior area is adequately viewed and/or supervised by Service Permittees.

(Investigator's Initials)

Seasonal Variations: Yes No If yes, explain: _____

ENTERTAINMENT

Check all that apply:
 Live Music Karaoke
 Recorded Music Coin-operated Games
 DJ Music Video Lottery Machines
 Dancing Social Gaming
 Nude Entertainers Pool Tables
 Other: _____

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday 4 PM to 2:30 AM
Monday 11 A to 2:30 AM
Tuesday 11 A to 2:30 AM
Wednesday 11 A to 2:30 AM
Thursday 11 A to 2:30 AM
Friday 11 A to 2:30 AM
Saturday 11 A to 2:30 AM

SEATING COUNT

Restaurant: 78 (1) Outdoor: 20 (TO BE VERIFIED)
Lounge: 98 (2) Other (explain): _____
Banquet: _____ Total Seating: 196

OLCC USE ONLY
Investigator Verified Seating: ____ (Y) ____ (N)
Investigator Initials: _____
Date: _____

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: [Signature] Date: 7/31/08

1-800-452-OLCC (6522)
www.oregon.gov/olcc

(1) DINING SEATS
(2) NON DINING SEATS