

Mike Dages
Council Member
District 5

December 10, 2009

Staff Members:

Sal Quintero
Council Assistant

Rosa Vasquez
Staff Assistant

Brenda Rapada
Staff Assistant

TO: HONORABLE MAYOR ASHLEY SWEARENGIN
COUNCIL PRESIDENT CYNTHIA A. STERLING
COUNCIL MEMBERS

FROM: MIKE DAGES, COUNCIL MEMBER

**SUBJECT: AMENDING THE FRESNO MUNICIPAL CODE
RELATING TO THE CARD ROOM ORDINANCE**

The original ordinance established in 1994 limited the maximum individual bet size by a patron to \$200. This betting limit was lower than that found in other card rooms around the state. In addition, the local tribal casinos (Table Mountain, Chukchansi, and Tachi Palace) have no government mandated bet size restrictions and only limit bet size when to do so would be in their own self-interest.

On June 2007 the City Council amended the City of Fresno Card Room Ordinance eliminating wagering limits for Texas Hold'em which in effect allowed Club One Casino to offer the no limit hold'em games popularized by televised poker events. At that time, my Council Collogues expressed some concerns for the general public over the removal of wagering limits and placed restrictions on the number of no limit tables that Club One could offer. Club One was restricted to offering three (3) no limit tables on weekdays and five (5) no limit tables on Friday, Saturday and Sunday. Council suggested that Club One could revisit the restrictions at a later date if there was no negative impact from no limit games on the public.

Since the adoption of the Amendment in 2007, Club One has offered no limit Texas Hold'em games without incident or detriment to the gaming public and generated thousands of dollars of license fees for the City of Fresno from those games. Despite the economic downturn, Club One often finds itself with more customers wishing to play no limit Texas Hodl'em than it has available tables given the restriction outlined above. At this point, Club One Casino would like to have the ordinance amended to remove the restriction on the number of no limit games.

Card Room Ordinance

December 10, 2009

Page 2

Attached you will find a letter received on December 7, 2009 from The Bureau of Gambling Control stated that they have reviewed the proposed amendments comply with the Gambling Control Act. I am requesting Council Support to consider amending the Fresno Municipal Code Section 9-2135. Under the City of Fresno Card Room Ordinance, Chapter 9 Article 21 of the Fresno Municipal Code lifting restriction on the number of "No Limit" card tables, allowing all poker games to be "No Limit" games, raising betting limits, and approving the playing of any card games approved by the California Department of Justice, Bureau of Gambling Control which may be played in card rooms under the City of Fresno Card Room Ordinance.



BUREAU OF GAMBLING CONTROL
P. O. Box 168024
Sacramento, CA 95816-8024
Public: (916) 263-0366
Fax: (916) 263-3403

December 7, 2009

Mr. Michael D. Flores
Deputy City Attorney
City of Fresno
2600 Fresno Street
Fresno, California 93721-3600

Re: City of Fresno's Gambling Ordinance

Dear Mr. Flores:

The Bureau of Gambling Control (Bureau) has reviewed the proposed amendments to Chapter 9, Article 21, of the Fresno Municipal Code, lifting restrictions on the number of "no limit" card tables, allowing all poker games to be "no limit" games, raising betting limits, and approving the playing of any card games approved by the Bureau. The Bureau found that the proposed amendments comply with the Gambling Control Act.

Upon approval and adoption of the proposed amendments, please provide the Bureau with a signed certified copy of the amendments. Should you have any questions, please contact Licensing Analyst Brenda Weygandt at (916) 263-5413 or at Brenda.Weygandt@doj.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Norm Pierce".

NORM PIERCE
Assistant Bureau Chief
Bureau of Gambling Control

For EDMUND G. BROWN JR.
Attorney General

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, AMENDING SECTION 9-2135 UNDER THE CITY OF FRESNO CARD ROOM ORDINANCE, CHAPTER 9, ARTICLE 21 OF THE FRESNO MUNICIPAL CODE LIFTING RESTRICTIONS ON THE NUMBER OF "NO LIMIT" CARD TABLES, ALLOWING ALL POKER GAMES TO BE "NO LIMIT" GAMES, RAISING BETTING LIMITS, AND APPROVING THE PLAYING OF ANY CARD GAMES APPROVED BY THE CALIFORNIA DEPARTMENT OF JUSTICE, BUREAU OF GAMBLING CONTROL WHICH MAY BE PLAYED IN CARD ROOMS UNDER THE CITY OF FRESNO CARD ROOM ORDINANCE

WHEREAS, pursuant to Resolution No. 2003-228, the Council of the City of Fresno ("Council") granted a conditional Cardroom Permit to Club One, Inc., now known as Club One Casino, Inc. ("Club One"), authorizing Club One, Inc., to operate 49 card tables; and

WHEREAS, on June 26, 2007, the Council voted to amend the Fresno Municipal Code to eliminate wagering limits for Texas Hold'em, which in effect, allowed Club One to offer the "No Limit Hold'em" games popularized by televised poker events; and

WHEREAS, at that time, the Council determined that the number of "No Limit" tables would be restricted, and it would review the restrictions on "No Limit" tables in the future; and

WHEREAS, the City of Fresno has received no complaints regarding the "No Limit" tables and they have not proved a detriment to the gambling public; and

WHEREAS, the "No Limit" tables have generated thousands of dollars in increased licensing fees; and

WHEREAS, Club One has stated to the City that it very often finds itself with more customers wanting to play at the "No Limit" tables than there are available tables; and

WHEREAS, the Council believes that the City of Fresno would benefit from increased licensing fees that would result if it allows expansion of "No Limit" tables to all card games at Club One; and

WHEREAS the Council also believes that the City of Fresno would benefit from the increased licensing fees that would result from approval of any additional card game that has been approved or will in the future be approved by the Department of Justice, Bureau of Gambling Control.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FRESNO does ordain as follows:

SECTION 1. This Ordinance supersedes Ordinance Number 2007-57 limiting card tables with "No Limit" betting to "Texas Hold'em" poker games.

SECTION 2. Subsection (f)(1) of Section 9-2135 under the City of Fresno Card Room Ordinance, Chapter 9, Article 21 of the Fresno Municipal Code shall be amended to read as follows:

(f) Permissible Games.

(1) A list of "permissible games" including any specific rules thereto shall be adopted by Resolution of the Council. [Any card games permitted by the Department of Justice, Bureau of Gambling Control, shall automatically be added to the list of "Permissible Games".]

SECTION 3. Subsection (l)(1) of Section 9-2135 under the City of Fresno Card Room Ordinance, Chapter 9, Article 21 of the Fresno Municipal Code shall be amended to read as follows:

(l) Bets or Wagers Prohibited.

(1) No card room permittee, owner or employee shall allow any persons playing in any game to make any single bet or wager in excess of ~~two hundred~~ [one thousand] dollars (~~\$200~~[1,000].00) or at any time during any game to permit an ante in excess of ~~two hundred~~ [one thousand] dollars (~~\$200~~[1,000].00) total sum anted by players participating in the game. Notwithstanding the foregoing, the maximum wager allowed in a ~~Texas Hold'em~~ [any approved poker] game is unlimited, ~~provided a card room may allow no-limit Texas Hold'em at a maximum of three tables Monday through Thursday, and five tables Friday through Sunday.~~

SECTION 4. SEVERABILITY. The Council declares that the provisions of this ordinance are severable. If, for any reason, any sentence, paragraph, or section of this ordinance is determined by a court of competent jurisdiction to be invalid, such determination will not affect the validity of the remaining provisions of this ordinance.

///

///

///

SECTION 5. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the ____ day of _____, 2009.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2009

Mayor Approval/No Return: _____, 2009

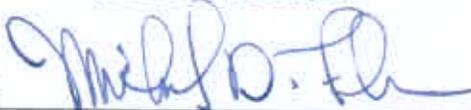
Mayor Veto: _____, 2009

Council Override Vote: _____, 2009

REBECCA E. KLISCH
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: 
Michael D. Flores, Deputy