



BILL NO. B-41

ORDINANCE NO. 2010-2

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

Adopted 01-14-10  
Approved 01-25-10  
Effective 02-25-10

2010-2



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.

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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.

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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 14th day of January, 2010.

AYES : Borgeas, Brand, Dages, Perea, Sterling, Xiong, Westerlund  
NOES : None  
ABSENT : None  
ABSTAIN : None

Mayor Approval: N/A, 2010

Mayor Approval/No Return: January 25, 2010

Mayor Veto: N/A, 2010

Council Override Vote: N/A, 2010

REBECCA E. KLISCH  
City Clerk

BY: Rebecca E. Klisch  
Deputy

APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE

BY: Michael D. Flores  
Michael D. Flores, Deputy



January 14, 2010

Council Adoption: 01/14/10  
Mayor Approval:  
Mayor Veto:  
Override Request:

TO: MAYOR ASHLEY SWEARENGIN  
FROM: REBECCA E. KLISCH, CMC  
City Clerk

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 1/14/10, Council adopted the attached Ordinance No. 2010-2 entitled **Amending the Fresno Municipal Code relating to the Card Room Ordinance, Item No. 1T**, by the following vote:

Ayes : Borgeas, Brand, Dages, Perea, Xiong, Sterling, Westerlund  
Noes : None  
Absent : None  
Abstain : None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before January 25, 2010. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10<sup>th</sup> day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

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**APPROVED:**

**VETOED** for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

\_\_\_\_\_  
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\_\_\_\_\_  
Ashley Swearengin, Mayor

Date: \_\_\_\_\_

**COUNCIL OVERRIDE ACTION:**

Ayes :  
Noes :  
Absent :  
Abstain :

Date: \_\_\_\_\_