

REPORT TO THE CITY COUNCIL

DATE: July 15, 2021

FROM: THOMAS C. ESQUEDA, City Manager
Office of Mayor & City Manager

BY: GREGORY A. BARAFIELD, Assistant City Manager
Office of Mayor & City Manager

SUBJECT: City Managers Investigative Report of Club One Casino

HEARING to consider the Club One Card Room Application.

The City of Fresno received a new card room application on March 30, 2021, from Kyle R. Kirkland and Dana D. Messina to relocate Club One Casino to a new facility located at 3950 North Cedar, Avenue, at Granite Park

In accordance with the City of Fresno Card Room Ordinance (FMC 9-2100 et seq.) the City Manager has reviewed the application, law enforcement's background checks of the proposed operators and their operations and the proposed operating submittals provided to the Planning Department and provides this report to the City Council and sets a public hearing on the application for July 15, 2021, at 10:00 a.m.

With the sending of this report to the City Council on June 30th and the noticing under FMC 9-2115 on July 1, 2021 by the City Clerk providing the necessary noticing of the requested time, date, and place of the City Council hearing on the card room permit application:

RECOMMENDATION:

After careful review of all the facts as City Manager of the City of Fresno, make the following findings as required under the FMC:

- 1) The proposed card room use will not result in the substantial aggravation of crime problems or make law enforcement unduly difficult, based on the long his with this operator.
- 2) The proposed card room use is not detrimental to the public peace, health, safety, and welfare.
- 3) The proposed card room use is in compliance with all laws, including but not limited to the city's zoning, fire, building or other ordinance; and
- 4) The proposed card room use would be consistent with the purposes and provisions of this article and is not contrary to public interest.

Based on all material received in the March 30, 2021, application submittal, all need materials mentioned have been received and reviewed to the satisfaction of the City Manager, to move the application on to the City Council. As such, I recommend that the City Council approve the card room

permit application for Club One Casino's operations at 3950 North Cedar Avenue, Fresno California 93721, with Kyle R. Kirkland and Dana D. Messina as Permit holders during the hearing of July 15, 2021 at 10:00a.m., as provided in the City of Fresno Card Room Ordinance (FMC 9-2100 et seq.).

BACKGROUND:

Club One Casino has operated in Downtown Fresno at 1033 Van Ness Avenue since November 1995, and has been the permit holder of all available tables in the City of Fresno, today which is currently 51 as of 2007 when ownership of the card room was transferred to Mr. Kirkland and Ms. Messina from the prior owner, who was no longer qualified to operate a card room in the state and the City.

Club One Casino closed in mid-March of 2020 when the State of California declared a State of Emergency due to COVID-19, which resulted in a stay-at-home order and closure of many indoor activities.

On March 30, 2021, Club One Casino submitted to the City Clerk an application for a Card Room Permit, and a Card Room Operations Certificate as well as fees required for a new location at 3950 North Cedar Avenue, in the Granite Park Business Park. Applicants have taken over a vacant building that was home to the former Sammy Hagar's Cabo Wabo (and later a night club) in anticipation of the State Department of Public Health once again allowing for casinos and card rooms to reopen for the first time in over a year. Under Governor Gavin Newsome latest orders and the State Department of Public Health's guidance, the state has removed all current restrictions under the State's Blueprint for a Safer Economy, which will allow for the opening of the card room.

The Fresno Police Department's Special Investigations Bureau reviewed the application and background and financial information of Kyle R. Kirkland and Dana D. Messina. The Fresno Police Department who had annually completed a full background on each going back to 2007, again confirmed no criminal history and that each applicant had sufficient financial assets and proper expertise to continue the successful operation of Club One Casino.

The State of California, Bureau of Gambling Control, also inspects, reviews and grants licenses for card rooms, and operators annually; and Club One has had all licenses and permits in effect up until recently at the downtown location. Club One has been going through the state process as they are the only holder of a state license in the city to move the card room to the new facility on Cedar Avenue with similar review by the state including the state and local Alcohol Beverage Control officials. Under ABC regulations, the cardroom is beyond the 600 feet from a sensitive site, such as a school or church. ABC reports no issues in the many years that Club One has previously operated.

ENVIRONMENTAL FINDINGS:

n/a

LOCAL PREFERENCE:

n/a

FISCAL IMPACT:

n/a