

CITY OF ALAMEDA ORDINANCE NO. \_\_\_\_\_  
New Series

APPROVING A SECOND AMENDMENT TO A LICENSE WITH AMBER KINETICS, INC. FOR TWENTY-FOUR MONTHS FOR USE OF AN UNIMPROVED LOT LOCATED AT 641 WEST RED LINE AVENUE LOCATED AT ALAMEDA POINT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS

WHEREAS, Amber Kinetics, Inc. (Amber Kinetics) is a technology company that provides safe, environmentally sustainable, multi-hour kinetic energy storage; and

WHEREAS, since 2014 Amber Kinetics has had a license to occupy an unimproved lot located at 641 West Red Line Avenue (the lot) at Alameda Point; and

WHEREAS, in January 2016 Amber Kinetics entered into a First Amendment to said license and this amendment is set to expire May 04, 2018; and

WHEREAS, Amber Kinetics uses this unimproved lot as a test site for their technology which has been critical for conducting engineering and manufacturing tests, validating new features, and testing customer flywheels; and

WHEREAS, under this Second Amendment Amber Kinetics' term for use of the lot will be amended to extend twenty-four months; and

WHEREAS, the lot consists of approximately 10,000 square feet of usable land area; and

WHEREAS, the monthly fee under the second amendment will be \$3,600.00; and

WHEREAS, the license contains the standard insurance, indemnity, assignment and termination clauses the ARRA required in its leases and compliant with the Lease in Furtherance of Conveyance (LIFOC) with the United States Navy.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Alameda that by four affirmative votes that:

Section 1. The City Manager of the City of Alameda or their designee is hereby authorized to negotiate, execute, for and on behalf of the City of Alameda, a second amendment to a license with Amber Kinetics, Inc. for use of an unimproved lot located at 641 West Red Line Avenue Alameda Point for twenty four months, subject to such technical or clarifying revisions as are reasonably determined necessary by the City Manager and approved by the City Attorney, and the City Clerk is hereby authorized and directed to attest to the same.

Section 2. If any section, subsection, sentence, clause or phrase of this ordinance if, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council of the City of Alameda hereby declares that it would have passed this ordinance, and each section, subsections, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases are declared to be invalid and unconstitutional.

Section 3. This ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

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Presiding Officer of the City Council

Attest:

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Lara Weisiger, City Clerk

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I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the \_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this \_\_\_\_ day of \_\_\_\_\_, 2018.

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Lara Weisiger, City Clerk  
City of Alameda

APPROVED AS TO FORM:

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Janet C. Kern, City Attorney  
City of Alameda