

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

AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE A  
THIRD AMENDMENT TO THE LICENSE AGREEMENT WITH  
AMBER KINETICS, INC., A CALIFORNIA CORPORATION, FOR USE OF  
THE UNIMPROVED LOT LOCATED AT 641 WEST RED LINE AVENUE  
IN ALAMEDA EXTENDING THE TERM FOR 12 MONTHS AND  
PROVIDING ONE 12-MONTH EXTENSION OPTION

WHEREAS, Amber Kinetics is a California corporation that manufactures energy storage technology; and

WHEREAS, in 2014, the City of Alameda entered into a license agreement with Amber Kinetics, Inc. for the approximately 10,000 square foot unimproved lot located at 461 West Red Line Avenue in Alameda, for use as a test site for electrical systems storage; and

WHEREAS, the term of the license agreement was twenty-four (24) months and established a base monthly rent at \$1,000.00; and

WHEREAS, in 2016, the City approved a first amendment to the license agreement extending the term of the agreement for twenty-four (24) months and increasing the monthly base rent to \$2,200.00; and

WHEREAS, in 2018, the City approved a second amendment to the license agreement extending the term of the agreement for an additional twenty-four (24) months and increasing the monthly base rent to \$3,600.00; and

WHEREAS, the City and Amber Kinetics now desire to enter into a third amendment to the license agreement to extend the term for an additional twelve months until May 3, 2021, and providing one 12-month extension options, subject to the approval of the City Manager; and

WHEREAS, the monthly base rent of the additional 12-month term remains at 3,600.00 and increases to \$3,800.00 if the 12 month extension option is exercised and approved by the City Manager.

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 designee is hereby authorized to execute, for and on behalf of the City of Alameda, a third amendment to the license agreement with Amber Kinetics, Inc., a California corporation, for the approximately 10,000 square foot unimproved lot located at 641 West Red Line

Avenue in Alameda extending the term for an additional twelve months and providing one 12-month extension option (subject to the City Manager's approval), 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.

\_\_\_\_\_  
Presiding Officer of the City Council

Attest:

\_\_\_\_\_  
Lara Weisiger, City Clerk

\* \* \* \* \*

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 \_\_\_\_\_ 2020, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSECTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this \_\_\_\_ day of \_\_\_\_\_ 2020.

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Lara Weisiger, City Clerk  
City of Alameda

APPROVED AS TO FORM:

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Yibin Shen, City Attorney  
City of Alameda