

1 [Settlement of Lawsuit - ACS Marketing Inc., dba S.F. Foliage Inc. - \$110,000]

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3 **Ordinance authorizing settlement of the unlawful detainer lawsuit filed by the City and**
4 **County of San Francisco against ACS Marketing Inc., dba S.F. Foliage Inc. (S.F.**
5 **Foliage), by S.F. Foliage's agreement to surrender possession no later than**
6 **March 31, 2017, S.F. Foliage's execution of a Stipulation for Entry of Judgment and a**
7 **Writ of Possession, and San Francisco Public Utilities Commission (SFPUC) agreement**
8 **to provide S.F. Foliage a payment not to exceed \$110,000 for reimbursement of**
9 **expenses related to relocation; the lawsuit was filed on November 28, 2016, in San**
10 **Francisco Superior Court, Case No. CUD-16-657190; entitled City and County of San**
11 **Francisco, through the Public Utilities Commission (PUC) v. Decorative Plant Services**
12 **Inc., ACS Marketing Inc. dba S.F. Foliage, Inc., Goldman Enterprises dba Sunborne**
13 **Nursery Inc., related to the termination of the lease agreement entered into June 1,**
14 **2004, between the SFPUC and Decorative Plant Services Inc., and sublease to ACS**
15 **Marketing, dba S.F. Foliage, for 127,300 square feet at the Southeast Community**
16 **Facility at 1150 Phelps Avenue.**

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18 Be it ordained by the People of the City and County of San Francisco:


19 Section 1. Pursuant to Charter, Section 6.102(5), the Board of Supervisors hereby
20 authorizes the City Attorney to settle the unlawful detainer action entitled City and County of
21 San Francisco, through the Public Utilities Commission (PUC) v. Decorative Plant Services
22 Inc., ACS Marketing Inc. dba S.F. Foliage, Inc., Goldman Enterprises dba Sunborne Nursery
23 Inc., San Francisco Superior Court, Case No. CUD-16-657190 according to the terms of the
24 Settlement Agreement on file with the Clerk of the Board, in File No. 170008. This lawsuit
25 involves termination of the lease agreement entered into in June 2004 between the San

1 Francisco Public Utilities Commission (SFPUC) and Decorative Plant Services Inc. and
2 sublease to ACS Marketing dba S.F. Foliage Inc. and vacation of the premises by ACS
3 Marketing Inc. dba S.F. Foliage Inc. The Settlement Agreement provides that the SFPUC will
4 reimburse ACS Marketing dba S.F. Foliage Inc. or costs associated with relocation if it
5 vacates the premises by March 31, 2017, among other terms of the Settlement Agreement.

6 Section 2. The above-named action was filed in San Francisco Superior Court on
7 November 28, 2016 as an unlawful detainer action and the following parties were named in
8 the lawsuit: Decorative Plant Services Inc., and two subtenants, ACS Marketing Inc. dba S.F.
9 Foliage, Inc., Goldman Enterprises dba Sunborne Nursery Inc.

11 APPROVED AS TO FORM AND
12 RECOMMENDED:

13 DENNIS J. HERRERA
14 City Attorney


15 
16 NOREEN AMBROSE
17 Utilities General Counsel

18 FUNDS AVAILABLE:

19 
20 BEN ROSENFELD
21 Controller

RECOMMENDED:

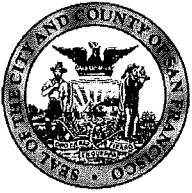
Public Utilities Commission

22 
23 HARLAN L. KELLY, JR.
24 General Manager, Public Utilities
25 Commission

APPROVED:

26 
27 DONNA HOOD
28 Secretary, Public Utilities Commission

29 n:\lit\2016\161140\01155263.docx



City and County of San Francisco

Tails Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 170008

Date Passed: February 07, 2017

Ordinance authorizing settlement of the unlawful detainer lawsuit filed by the City and County of San Francisco against ACS Marketing Inc., dba S.F. Foliage Inc. (S.F. Foliage), by S.F. Foliage's agreement to surrender possession no later than March 31, 2017, S.F. Foliage's execution of a Stipulation for Entry of Judgment and a Writ of Possession, and San Francisco Public Utilities Commission (SFPUC) agreement to provide S.F. Foliage a payment not to exceed \$110,000 for reimbursement of expenses related to relocation; the lawsuit was filed on November 28, 2016, in San Francisco Superior Court, Case No. CUD-16-657190; entitled City and County of San Francisco, through the Public Utilities Commission (PUC) v. Decorative Plant Services Inc., ACS Marketing Inc. dba S.F. Foliage, Inc., Goldman Enterprises dba Sunborne Nursery Inc., related to the termination of the lease agreement entered into June 1, 2004, between the SFPUC and Decorative Plant Services Inc., and sublease to ACS Marketing, dba S.F. Foliage, for 127,300 square feet at the Southeast Community Facility at 1150 Phelps Avenue.

January 19, 2017 Government Audit and Oversight Committee - RECOMMENDED..

January 31, 2017 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

February 07, 2017 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

File No. 170008

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/17/2017 by the Board of Supervisors of the City and County of San Francisco.

**Angela Calvillo
Clerk of the Board**

Mayor

2/17/2017

Date Approved