

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.

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11 APPROVED AS TO FORM AND  
12 RECOMMENDED:

13 DENNIS J. HERRERA  
14 City Attorney

RECOMMENDED:

Public Utilities Commission

15 NOREEN AMBROSE  
16 Utilities General Counsel

HARLAN L. KELLY, JR.  
General Manager, Public Utilities  
Commission

17 FUNDS AVAILABLE:

APPROVED:

18 BEN ROSENFELD  
19 Controller

DONNA HOOD  
Secretary, Public Utilities Commission

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