

**RESOLUTION NO. 2010-173 R**

**A resolution authorizing the City Manager to execute all documents necessary to terminate the Tax Abatement Agreement between City of Victoria, Victoria County, and StarTek USA, Inc., Dolphin Associates Limited Partnership, and Whisper Capital, LLC; and declaring an effective date.**

On December 4, 2007 by Resolution No. 2007-194R, the City Council approved a Tax Abatement Agreement between City of Victoria, Victoria County, and StarTek Usa, Inc., Dolphin Associates Limited Partnership, and Whisper Capital, LLC., which provided that the Owners must continuously maintain the full-time employment of at least 10 full-time employees at the Premises until the termination of the Tax Abatement Agreement ("Agreement"); and

Whereas, the Agreement provides that the City may terminate the Agreement upon 30 days written notice of default, and further provides that as liquidated damages, all taxes which otherwise would have been paid to the City and the County without benefit of abatement, will become a debt to the City and County and shall be due, owing, and paid to the City and County within 60 days of the cure period; and

Whereas, StarTek USA, Inc. has ceased operations at the Premises, and no longer maintains the full-time employment of 10 full-time employees; and

Whereas, the City provided notice to the Owners on September 7, 2010 that the Owners were in default under the Agreement; and

Whereas, the Owners have not cured such default after the expiration of 30 days written notice.

IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

The City hereby terminates the Tax Abatement Agreement between City of Victoria, Victoria County, and StarTek Usa, Inc., Dolphin Associates Limited Partnership, and Whisper Capital, LLC.

2.

The City Manager is hereby authorized to take all actions under the Agreement necessary to effect such termination, as approved by the City Attorney.

3.

This resolution shall become effective immediately upon adoption.

PASSED, this the 19<sup>th</sup> day of October, 2010.

AYES: 5

NAYS: 0

ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 19<sup>th</sup> day of October, 2010.



ATTEST:

*Scarlet Swoboda*  
SCARLET SWOBODA, City Secretary

*Will Armstrong*  
WILL ARMSTRONG, Mayor of the  
City of Victoria, Texas

APPROVED AS TO LEGAL FORM:  
*Thomas A. Gwosdz*  
THOMAS A. GWOSDZ, City Attorney

Distribution: Legal Department  
Finance Department

Copies Sent: OCTOBER 20, 2010