# AGENDA - COUNCIL MEETING - WEDNESDAY - JANUARY 22, 2003 - 9:00 A. M. COUNCIL CHAMBER - SECOND FLOOR - CITY HALL 901 BAGBY - HOUSTON, TEXAS

with note of action taken

MOTIONS 2003-0042 to 2003-0064 ORDINANCES 2003-0074 to 2003-0086 RESOLUTION – None 2003-0041-1

DESCRIPTIONS OR CAPTIONS OF AGENDA ITEMS WILL BE READ BY THE CITY SECRETARY PRIOR TO COMMENCEMENT

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Ellis

9:00 A. M. - ROLL CALL

#### **ADOPT MINUTES OF PREVIOUS MEETING**

<u>9:30 A. M. - PUBLIC SPEAKERS</u> - Pursuant to City Council Rule 8, City Council will hear from members of the public; the names and subject matters of persons who had requested to speak at the time of posting of this Agenda are attached; the names and subject matters of persons who subsequently request to speak may be obtained in the City Secretary's Office

#### **MAYOR'S REPORTS**

#### **CONSENT AGENDA NUMBERS 1 through 32-43**

#### **MISCELLANEOUS** - NUMBER 1

#### 1. Motion 2003-0046

RECOMMENDATION from Director Finance & Administration Department for publication of names of delinquent taxpayers who owe the City of Houston over \$25,000.00 in property taxes

# **ACCEPT WORK** - NUMBERS 2 through 6

#### 2. Motion 2003-0042

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,383,628.88 and acceptance of work on contract with **AAA ASPHALT PAVING, INC** for Generic Overlay Program, GFS N-1037-30-3 (OL2030) - 00.09% over the original contract amount - **DISTRICT A - TATRO** 

#### 3. Motion 2003-0043

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$603,548.30 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Construction of Water Line Replacement in Cloverland Subdivision, GFS S-0035-63-3 (WA10587) - 07.13% under the original contract amount - **DISTRICT D - EDWARDS** 

#### **ACCEPT WORK** - continued

# 4. Council Member Quan tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,013,448.52 and acceptance of work on contract with **TROY CONSTRUCTION**, **INC** for Construction of Water Main Replacement in Magnolia Park Subdivision, GFS S-0478-01-3 (10481) - 00.23% over the original contract amount - **DISTRICT I - ALVARADO** 

#### 5. Motion 2003-0044

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$912,260.92 and acceptance of work on contract with **EXCALIBUR CONSTRUCTION**, **LTD** for Construction of Lake Houston Dam Rehabilitation of Erosion Control Structure No. 1, GFS S-0890-BV-3 (WA10567-1) - 05.48% under the original contract amount **DISTRICT E - WISEMAN** 

#### 6. Motion 2003-0045

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,940,644.19 and acceptance of work on contract with **JALCO, INC** for Construction of 84-inch Water Main along Euel, Cochran, Griffin and English from west side of UPPR to Fulton, Contract 6B-2, GFS S-0900-56-3 (WA10629) - 04.85% over the original contract amount - **DISTRICT H - VASQUEZ** 

# PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 9

# 7. Council Member Ellis tagged

**AAA DEMOLISHING COMPANY** - \$37,145.00 and contingencies for a total amount not to exceed \$39,002.25 and **WILLIS DEMOLISHING/DISPOSAL** - \$37,695.00 and contingencies for a total amount not to exceed \$39,579.75 for Demolition and Site Clean-up Services for Planning & Development Department - Dangerous Building Consolidated Fund

#### 8. Council Members Robinson and Keller tagged

**HOUSTON-GALVESTON AREA COUNCIL (H-GAC)** for Network-Based Digital Recording System through the Interlocal Agreement for Cooperative Purchasing for Department of Public Works & Engineering - \$101,908.00 - Enterprise Fund

#### 9. Motion 2003-0047

**VARIAN, INC** for One Gas Chromatography System from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Department of Public Works & Engineering - \$37,354.00 - Enterprise Fund

#### **RESOLUTIONS AND ORDINANCES** - NUMBERS 10 through 32-43

#### 10. Council Member Goldberg tagged

RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of Multifamily Housing Revenue Refunding Bonds (Concord at Palm Center Apartments) Series 2003A and Subordinate Multifamily Housing Revenue Bonds (Concord at Palm Center Apartments) Series 2003B and approving the Preliminary Official Statement with respect to such bonds

#### **RESOLUTIONS AND ORDINANCES - continued**

#### 11. Ordinance 2003-0077

ORDINANCE authorizing issuance of City of Houston, Texas, Water and Sewer System Junior Lien Revenue Refunding Bonds, Series 2003A; authorizing the Mayor and City Controller to approve the amounts, the interest rates, prices, and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; awarding the sale of the bonds; authorizing the defeasance, final payment, and discharge of certain outstanding bonds; authorizing Bond Insurance, a Co-Bond Counsel Agreement, and a Special Disclosure Co-Counsel Agreement; authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency

#### 12. Ordinance 2003-0074

ORDINANCE finding no special benefit to the abutting owner of property described as Lots One (1) and Two (2), Block 39, Highland Heights Annex Number Six (6), and authorizing the Release of certain assessment liens and apparent liens created by Ordinance No. 86-630 passed May 7, 1986, for the initiation of a paving project for the permanent improvement of portions of West Tidwell Road and Wheatley Street in the City of Houston, Texas - **DISTRICT B - GALLOWAY** 

Motion 2003-0062 – Suspend rules to consider Item 13 out of order

Motions 2003-0064 to 2003-0064 – Procedural motions

#### 13. Ordinance 2003-0086

ORDINANCE approving and authorizing fourth amendment to Gas Sales Contract between the City and **CENTERPOINT ENERGY ENTEX F/K/A RELIANT ENERGY ENTEX**, a Division of Centerpoint Energy Resources Corp.

#### 14. Council Member Ellis tagged

ORDINANCE approving and authorizing occupancy agreement between **GULF COAST COMMUNITY SERVICES ASSOCIATION**, as occupant, and the City of Houston, Texas, as owner, for space in the Third Ward Multi-Service Center - **DISTRICT I - ALVARADO** 

#### 15. Ordinance 2003-0078

ORDINANCE appropriating \$150,000.00 out of Homeless and Housing Consolidated Fund and providing \$3,101,000.00 out of Federal "HOME" Funds and approving and authorizing first amendment to contract with **HOUSTON HOUSING FINANCE CORPORATION** to administer a new construction Homebuyer Assistance Program to extend term and increase number of households served

#### 16. Ordinance 2003-0079

ORDINANCE approving and authorizing second amendment to contract with **HOUSING OPPORTUNITIES OF HOUSTON**, **INC** to administer a Homebuyer Assistance Program to provide \$1,448,600.00 of additional Federal "HOME" Funds and to extend term and increase number of households served

#### **RESOLUTIONS AND ORDINANCES** - continued

#### 17. Pulled - Not Considered

ORDINANCE approving and authorizing application for grant assistance from the **TEXAS PARKS AND WILDLIFE DEPARTMENT**, for acquiring and preserving approximately 70 acres of Prairie Pothole Wetland Complex as a Nature Park; declaring the City's eligibility for such grant; authorizing the Director of Parks & Recreation to act as the City's representative in the application process; authorizing the Director of Parks & Recreation to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program \$1,500,000.00 - Grant Fund - **DISTRICT E - WISEMAN** 

#### 18. Council Members Sekula-Gibbs, Alvarado and Goldberg tagged

ORDINANCE approving and authorizing first amendment to agreement between City of Houston, Miller Theatre Advisory Board and **BROOKS AND BROOKS, INC (dba HARLON'S BAR-B-Q)** for Concession Services at Miller Outdoor Theatre

#### 19. Council Member Quan tagged

ORDINANCE approving and authorizing contract between the City of Houston and **ANDREWS** & **KURTH**, **L.L.P.** for Professional Legal Services relating to the appeal of a lawsuit styled Texan Land & Cattle Company v. City of Houston in the County Court of Law No. Four, Harris County, Texas; providing a maximum contract amount - \$50,000.00 - Property and Casualty Fund **DISTRICT D - EDWARDS** 

# 20. Council Member Keller tagged

ORDINANCE appropriating \$179,520.11 out of General Improvements Consolidated Construction Fund, (*Fund*), and approving and authorizing Compromise and Settlement Agreement between City of Houston and **BOVAY ENGINEERS**, **INC** to settle a claim arising out of activities financed by the Fund -**DISTRICT H - VASQUEZ** 

# Motion 2003-0048 – Postpone Item 21 to the end of the Agenda

#### 21. Ordinance 2003-0085

ORDINANCE approving and authorizing contract between the City of Houston and **TURNER COLLIE & BRADEN**, **INC** for a Vulnerability Assessment and the Development of an Emergency Response Plan for the City's Water Supply System - \$400,000.00 - Grant and Enterprise Funds

#### 22. Ordinance 2003-0080

ORDINANCE appropriating \$55,779.26 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation contract between the City of Houston and **BEAZER HOMES, L.P.** for Construction of Water and Sanitary Sewer Lines to serve the Post Oak Place Subdivision, Section Four, CIP S-0802-10-03 and R-0802-10-03 **DISTRICT D - EDWARDS** 

#### 23. Council Member Robinson tagged

ORDINANCE appropriating \$162,052.01 out of Water & Sewer System Consolidated Construction Fund and \$195,000.00 out of Affordable Housing Uptown 2002B Fund and approving and authorizing Developer Participation contract between the City of Houston and **BEAZER HOMES OF TEXAS, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Tierra Glen Section 3, CIP S-0800-79-03 and R-0800-79-03 - **DISTRICT E - WISEMAN** 

#### **RESOLUTIONS AND ORDINANCES** - continued

#### 24. Council Member Robinson tagged

ORDINANCE appropriating \$84,929.86 out of Water & Sewer System Consolidated Construction Fund and \$119,701.81 out of Affordable Housing Uptown 2002B Fund and approving and authorizing Developer Participation contract between the City of Houston and **BEAZER HOMES OF TEXAS, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Tierra Glen Section 4, CIP S-0800-80-03 and R-0800-80-03 - **DISTRICT E - WISEMAN** 

#### 25. Council Member Robinson tagged

ORDINANCE appropriating \$25,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation contract between the City of Houston and **DE ANDA ENGINEERING, INC** for Construction of Water and Sanitary Sewer Lines to serve the Meadow Creek Gardens Subdivision, CIP S-0802-09-03 and R-0802-09-03 **DISTRICT E - WISEMAN** 

#### 26. Ordinance 2003-0081

ORDINANCE appropriating \$260,000.00 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of Affordable Housing Uptown 2002B Fund and approving and authorizing Developer Participation contract between the City of Houston and the **KINGDOM COME COMMUNITY DEVELOPMENT CORPORATION** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Kingdom Come Place Section 1, CIP S-0800-55-03 and R-0800-55-03 - **DISTRICT D - EDWARDS** 

#### 27. Ordinance 2003-0082

ORDINANCE appropriating \$216,936.60 out of Water & Sewer System Consolidated Construction Fund and \$219,000.00 out of Affordable Housing Uptown 2002B Fund and approving and authorizing Developer Participation contract between the City of Houston and the **KINGDOM COME COMMUNITY DEVELOPMENT CORPORATION** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Kingdom Come Place Section 2, CIP S-0800-56-03 and R-0800-56-03 - **DISTRICT D - EDWARDS** 

#### 28. Ordinance 2003-0075

ORDINANCE approving and authorizing sponsorship agreement between the City and CAMPBELL HOMES ASSOCIATION and SAN FELIPE SQUARE TOWNHOMES ASSOCIATION for Garbage Collection Service for the respective civic association - 6 Months \$864.00 - DISTRICTS A - TATRO and G - KELLER

#### 29. Ordinance 2003-0083

ORDINANCE appropriating \$125,000.00 out of Houston Airport System Subordinate Lien Revenue Bonds, Series 1998B (AMT) Construction Fund and approving purchase of approximately 4.137 acres of land out of the J. Armstrong Survey, Abstract 89, Houston, Harris County, Texas, for the Expansion of Bush Intercontinental Airport, CIP A-0082, and approving purchase and sale agreement with Donald Harris and Carol Harris to acquire the land and improvements thereon for a purchase price, including title insurance and closing costs, which does not exceed the sum hereby appropriated - **DISTRICT B - GALLOWAY** 

# 30. Council Member Goldberg tagged

ORDINANCE awarding contract to **FIKES OF HOUSTON**, **INC** for Odor Control Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options \$643,875.00 - General, Park Special Revenue and Building Inspection Funds

#### **RESOLUTIONS AND ORDINANCES - continued**

#### 31. Ordinance 2003-0076

ORDINANCE appropriating \$16,065.00 out of Park Consolidated Construction Fund for construction services for Asbestos Removal and Demolition of Fire Station No. 10, GFS F-0509-00-05 - **DISTRICT H - VASQUEZ** 

# 32. Ordinance 2003-0016 thru 2003-0043 and 2003-0050 thru 2003-0064 – All Passed 2<sup>nd</sup> reading in full

ORDINANCE Nos. 2003-16 through 43 and 2003-50 through 64, passed first reading 1/15/2003

ORDINANCES (43 separate ordinances) granting the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions, to the following: - **SECOND READING** 

1 2003-16 Alpha Waste Express, Inc	23 2003-33 Hill Sand Company, Inc d/b/a Hill
2 2003-17 A&T Environmental Cleaning, Inc	Waste Services
3 2003-50 A.C.C.P., Inc, A Texas Corporation	24 2003-55 Liberty Waste Systems, Inc
4 2003-51 Accurate Transportation Services, Inc	25 2003-56 LMMIG, Ltd. d/b/a Century Industries
5 2003-18 Advanced Disposal Systems, Inc	26 2003-34 May Environmental, Inc
6 2003-19 Astro Waste, Inc	27 2003-35 Philip Reclamation Services, Houston,
7 2003-20 Aztec Portacans and Containers, L.P.	Inc
8 2003-21 Bay Area Waste Systems, Inc	28 2003-36 PRI Services, Inc
9 2003-22 Bayou City Environmental Services, L.P.	29 2003-37 Pro Waste, Inc
10 2003-23 Bayou City Waste Systems, L.P.	30 2003-38 Ray Smith Construction, Inc
11 2003-24 CES Environmental Services, Inc	31 2003-57 Republic Waste Services of Texas, Ltd.
12 2003-25 City Waste, L.P.	32 2003-39 Northside Garbage Service, Inc d/b/a
13 2003-26 Disposal Doctor, Inc	Northside Waste Service
14 2003-27 Eagle Construction & Environmental	33 2003-58 Star Disposal Systems, Inc
Services, L. P.	34 2003-40 Stericycle, Inc
15 2003-28 Excell Disposal, Inc	35 2003-41 Specialized Waste Systems, Inc
16 2003-29 Gainsborough Corporation d/b/a	36 2003-42 Triple S Equipment
Gainsborough Waste	37 2003-59 USA Waste Industrial Services, Inc
17 2003-30 G. O. Weiss, Inc	38 2003-43 U.S. Liquids of Houston, L.L.C
18 2003-31 Grace Disposal Systems. L.L.C.	39 2003-60 Waste Corporation of Texas, L.P.
19 2003-32 GRM Disposal Services, Inc	40 2003-61 Waste Management of Texas, Inc
20 2003-52 Gulf Coast Environmental, Inc	41 2003-62 Waste Pro Services, L.L.C.
21 2003-53 Gulf Coast Vacuum Service, Inc	42 2003-63 Alfred Savoy, Jr. d/b/a Dirt Works
22 2003-54 Halco Waste Container, Inc d/b/a Old	Unlimited

# **END OF CONSENT AGENDA**

Orchard Trucking and Waste Systems 43 2003-64 Chief Environmental Surveys, Inc.

#### CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

#### NON CONSENT AGENDA - NUMBERS 33 and 34

#### **MISCELLANEOUS**

#### 33. Motion 2003-0049

RECOMMENDATION to suspend Council Rules to adjust schedule for presentation of Monthly Financial and Operations Report for May 2003 and October 2003

#### **PROPERTY**

#### 34. Motion 2003-0050

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from David Ward of David Ward Partners, on behalf of Park 45, Ltd. [Ruby Memorial, Inc (Steven Yari, president), general partner], for abandonment and sale of Witcher and Winchester Streets, from Hussion Street ?100 feet east to their dead-ends, in exchange for the conveyance to the City of right of way to widen Hussion Street, all located within the Anderson Addition, Parcels SY3-022A, SY3-022B and AY3-452 (William July, Jr. and Jasmine Quinerly, Appointed) - APPRAISERS - DISTRICT I - ALVARADO

# MATTERS HELD - NUMBERS 35 through 43

# 35. Motion 2003-0051 – Postpone one (1) week

MOTION by Council Member Quan/Seconded by Council Member Parker to adopt recommendation from Director Building Services Department for approval of Change Order 1 in the amount of \$88,135.00 on contract with **PYRAMID WATERPROOFING, INC** for Roof Replacement at BARC, Animal Control Center - North, GFS H-0011-04-3 - **DISTRICT G - GALLOWAY - TAGGED BY COUNCIL MEMBER ELLIS** 

This was Item 4A on Agenda of January 15, 2003

#### 36. Motion 2003-0052 – Adopt

MOTION by Council Member Quan/Seconded by Council Member Parker to adopt recommendation from Finance & Administration Department to award to **PATCH MANAGEMENT, INC** for Rental of Asphalt Road Patching Trucks for Department of Public Works & Engineering - \$294,000.00 - General Fund

TAGGED BY COUNCIL MEMBER WISEMAN

This was Item 9 on Agenda of January 15, 2003

#### 37. Motion 2003-0053 – Adopt

MOTION by Council Member Quan/Seconded by Council Member Sekula-Gibbs to adopt recommendation from Finance & Administration Department to award to **VOSS ELECTRIC SUPPLY dba VOSS LIGHTING** - \$862,998.25, **TURTLE AND HUGHES, INC** \$55,000.00 and **E. SAM JONES DISTRIBUTOR, INC** - \$202,950.60 for Electrical Lighting for Various Departments General and Enterprise Funds - **TAGGED BY COUNCIL MEMBER KELLER** This was Item 10 on Agenda of January 15, 2003

#### 38. Ordinance 2003-0084

ORDINANCE approving and authorizing first amendment to contract between the City and BONDRESOURCE PARTNERS, LP (formerly contracted as ARTHUR ANDERSEN, LLP; Contract No. 53444) for Arbitrage Services; providing a maximum contract amount - \$198,699.00 General and Enterprise Funds - TAGGED BY COUNCIL MEMBER WISEMAN This was Item 13 on Agenda of January 15, 2003

Motion 2003-0060 – Suspend rules to consider Item 39 out of order

#### MATTERS HELD - continued

#### 39. Motion 2003-0061 – Refer back to the Administration

ORDINANCE awarding contract to **P.E.S. VENTURES, INC dba FORT BEND MECHANICAL** for Heating, Ventilation & Air Conditioning (HVAC) Services for Various Departments; providing a maximum contract amount - 5 Years - \$2,441,065.00 - General and Building Inspection Funds

#### TAGGED BY COUNCIL MEMBER KELLER

This was Item 15 on Agenda of January 15, 2003

#### 40. Motion 2003-0054 – Postpone one (1) week

ORDINANCE appropriating \$264,901.94 out of Water & Sewer System Consolidated Construction Fund as Houston's share of the Blackhawk Regional Wastewater Treatment Plant Renovation Project (Contract No. 20513 between the City of Houston and THE GULF COAST WASTE DISPOSAL AUTHORITY), CIP R-0019-21-3 - DISTRICT E - WISEMAN TAGGED BY COUNCIL MEMBER ELLIS

This was Item 20 on Agenda of January 15, 2003

# 41. Motion 2003-0055 – Postpone one (1) week

MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$594,827.51 and acceptance of work on contract with **JIMERSON UNDERGROUND**, **INC** for Construction of IRA Street Storm Sewer Outfall, GFS M-0126-13-3 (M-0126-13) - 00.17% over the original contract amount - **DISTRICT H - VASQUEZ** 

# POSTPONED BY MOTION #2003-31, 1/15/03

This was Item 22 on Agenda of January 15, 2003

# 42. Motion 2003-0056 – Adopt

MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to **AMEND MOTION #2000-251**, **2/16/00**, **TO EXTEND** expiration date from February 16, 2003 to August 15, 2003, for Safety Footwear for Various Departments, awarded to **SAFETY SHOE DISTRIBUTORS, INC POSTPONED BY MOTION #2003-36**, 1/15/03

This was Item 27 on Agenda of January 15, 2003

#### 43. Motion 2003-0057 – Postpone one (1) week

MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **DIRECT ACTION UNIFORMS** - \$2,436,021.02 and **L & N UNIFORM SUPPLY CO.** - \$100,514.80 for Apparel, Uniforms for Various Departments - General, Enterprise and Storm Water Utility Fund **POSTPONED BY MOTION #2003-37, 1/15/03** 

This was Item 28 on Agenda of January 15, 2003

Motion 2003-0058 – Suspend rules to hear from Ms. Sally Daniels after Henry Oramas

Motion 2003-0059 – Procedural motion

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Tatro first

ALL ORDINANCES ARE TO BE CONSIDERED ON AN EMERGENCY BASIS AND TO BE PASSED ON ONE READING UNLESS OTHERWISE NOTED, ARTICLE VII, SECTION 7, CITY CHARTER

NOTE - WHENEVER ANY AGENDA ITEM, WHETHER OR NOT ON THE CONSENT AGENDA, IS NOT READY FOR COUNCIL ACTION AT THE TIME IT IS REACHED ON THE AGENDA, THAT ITEM SHALL BE PLACED AT THE END OF THE AGENDA FOR ACTION BY COUNCIL WHEN ALL OTHER AGENDA ITEMS HAVE BEEN CONSIDERED

CITY COUNCIL RESERVES THE RIGHT TO TAKE UP AGENDA ITEMS OUT OF THE ORDER IN WHICH THEY ARE POSTED IN THIS AGENDA. ALSO, AN ITEM THAT HAS BEEN TAGGED UNDER CITY COUNCIL RULE 4 (HOUSTON CITY CODE §2-2) OR DELAYED TO ANOTHER DAY MAY BE NEVERTHELESS CONSIDERED LATER AT THE SAME CITY COUNCIL MEETING

1/22/2003 – Council Member Galloway absent due to death in family