



KELLY AFB
TEXAS

ADMINISTRATIVE RECORD
COVER SHEET

AR File Number 3225.1

KELLY RESTORATION ADVISORY BOARD

RAB MEETING

DATE: September 13, 2005

TIME: 6:30 p.m. to 7:23 p.m.

PLACE: Greater Kelly Development Authority
143 Billy Mitchell Blvd., Building 43
San Antonio, Texas

PRESENT:

Dr. David Smith, TRF Facilitator

RAB MEMBERS PRESENT:

Community Members:

- Mr. Robert Silvas, Community Co-Chairman
- Ms. Ruben Martinez
- Ms. Armando Quintanilla
- Ms. Michael Sheneman
- Mr. Rodrigo Garcia
- Mr. Nazirite Perez
- Mr. Daniel Gonzalez
- Ms. Coriene Hannapel

Government Members:

- Ms. Norma Landez, AFRPA
- Ms. Larisa Dawkins, AFRPA
- Mr. Ray Nieto, AFRPA

ALSO PRESENT:

- Ms. Cheri Kirkpatrick, Booz Allen Hamilton
- Mr. Todd Colburn, Smith/Associates

REPORTED BY:

Randall E. Simpson, CSR
Federal Court Reporters of San Antonio, Inc.
10100 Reunion Place, Suite 310
San Antonio, Texas 78216
(210) 340-6464

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PROCEEDINGS

1
2 DR. SMITH: I think we're going to go
3 ahead and get started. I was hoping we might have a few
4 more folks, but I think we'll have to work with what we
5 have. As you know, we have the tour of some of the
6 cleanup sights scheduled for 7 o'clock. We're going to
7 be hard pressed to make that, but the bus is going to be
8 here. The other piece that sort of binds us a little
9 bit is Mr. Nieto's schedule is pretty tight this
10 evening, so we'll want to move -- do that TAPP
11 contracting work as quickly as you can. Good evening,
12 Mike.

13 There are only two formal items showing
14 on the agenda this evening. One of them is the TAPP
15 contractor appointment, and the other one is the bus
16 tour. The TAPP contractor appointment, as you'll
17 recall, is the responsibility of the contracting
18 officer; but they've come to you to ask for your input
19 and advice and recommendation as to a selection on that.
20 Mr. Ray Nieto has that contracting officer
21 responsibility here at Kelly; and if it's all right with
22 you, I'm going to move into letting Ray get started. Is
23 that okay?

24 MR. QUINTANILLA: By the way, who's the
25 co-chair for the base?

1 DR. SMITH: Larisa is sitting in that
2 slot today.

3 MR. QUINTANILLA: Who is?

4 MS. DAWKINS: Larisa Dawkins.

5 MR. QUINTANILLA: Come up front.

6 MS. DAWKINS: Actually, that's not
7 necessary.

8 MR. QUINTANILLA: Okay.

9 MR. NIETO: Okay. Are we ready?

10 DR. SMITH: Yeah.

11 MR. NIETO: In the interest of being
12 open, I was asked to let -- send out these TAPP requests
13 for quotes, and I wanted to make sure that the TRS
14 Committee was into the process of having input into this
15 process. So I went ahead and submitted the request for
16 quotes from the three contractors that were selected by
17 the RAB, and with the exception of the fourth one, which
18 is Dr. Squibb (Phonetic), because she doesn't have the
19 expertise on this, I submitted -- I actually sent out
20 these requests on July the 15th and asked that all three
21 of the contractors, which were Clearwater, who is out of
22 California -- Alameda, California and Geomatrix out of
23 Austin and Neathery Environmental out of San Antonio, I
24 asked them to provide a quote to us based on the
25 prenegotiated rates that they had established with us.

1 And I asked them to submit the quote to us by the 29th
2 of July.

3 On the 29th, I had only received two
4 quotes, one from Neathery and one from Geomatrix. I
5 went back and asked that -- I wasn't aware, when I asked
6 them specifically to submit by the 29th, when I only
7 received two of the quotes, I was under the assumption
8 that Clearwater did not want to respond to us. Since
9 then, I was told that he -- I talked to him today. He
10 mentioned to me that he had submitted the quote; so
11 because of that, to give him the benefit of the doubt, I
12 asked him that I would also accept his quote today if he
13 would send it to me and he did, and you have that in
14 front of you. Now you have all three quotes in front of
15 you.

16 So based on that, I'm giving the TRS
17 Committee the opportunity to make that selection, with
18 the understanding that all three of them have equal
19 qualifications, and you just need to tell me why, once
20 you select one. If it happens to be a higher price one,
21 I need to justify why we're going to a higher priced
22 contractor, and I need to be able to justify that. So
23 if you would give me that justification, if indeed you
24 do go with a higher priced one, we'll entertain that and
25 make sure that we can -- that I can write that up in my

1 award document. So I'm open to any questions that you
2 have of me.

3 MR. SILVAS: I'd like to begin with the
4 first question: Can you explain the first package that
5 was sent out, had a number BPAF 41622-98-A-6882. How
6 come that submittal was for the contract number, if
7 there was never a submittal? Can you explain that?

8 MR. NIETO: Which one are you talking
9 about?

10 MR. SILVAS: The original document that
11 was sent to our houses.

12 MR. NIETO: What's the name of the
13 contractor? Huh?

14 MR. SILVAS: I'm talking about Clearwater
15 Revival, the original document that was sent to our
16 houses.

17 MR. NIETO: Okay.

18 MR. SILVAS: It has a top number up there
19 in the left corner. I'll call that number out again,
20 BPAF 41622-98-Alpha-5882.

21 MR. NIETO: I don't have that in front of
22 me -- oh, yeah. It says 5882, the BPA number. Yes.
23 They're all the same.

24 MR. SILVAS: Are you certain they're the
25 same, because --

1 MR. NIETO: No. Let me rephrase that.
2 The contract that we have with Clearwater, that is their
3 BPA number.

4 MR. SILVAS: Which stands for?

5 MR. NIETO: Huh?

6 MR. SILVAS: What does BPA --

7 MR. NIETO: Blanket Purchase Agreement.
8 That's what that stands for, and that's the number --
9 the contract number under that Blanket Purchase
10 Agreement.

11 MR. SILVAS: From the initial contract,
12 or was this a contract that was submitted after the
13 initial?

14 MR. NIETO: No, this is from the initial
15 contract. Each one of them has their own contract --
16 you can see Geomatrix has one. We didn't put one in
17 there for -- oh, yeah, Neathery has one, 5884. I'm just
18 talking about the last four digits. 5881 is Geomatrix
19 and 5882 is Clearwater. Those are the original
20 contracts.

21 MR. SILVAS: So with each -- with each
22 request from the community that goes out, do they use
23 this same number, or is it changed?

24 MR. NIETO: They use the same number.

25 MR. SILVAS: Okay. And this would be on

1 his initial agreement?

2 MR. NIETO: Uh-huh.

3 MR. SILVAS: Do you have a copy of that?

4 MR. NIETO: In my office.

5 MR. SILVAS: I'd like to see a copy of
6 that. Will you forward one to my address?

7 MR. NIETO: Okay. I can do that.

8 MR. SILVAS: Second, let me go into why I
9 think the community's concerns are that we've had in the
10 past very good performance from all of these agencies;
11 however, when it comes to covering a lot of the science
12 and the numbers and in my view I think it's clear that
13 Clearwater is the choice that the community needs to
14 consider. Also since the balance of the budget for 2005
15 is up -- well, here we go; we don't even know 2004. Do
16 you have that number in front of you?

17 MR. NIETO: Yeah. The balance?

18 MR. SILVAS: Budget update for --

19 MR. NIETO: The balance is 8,800.

20 MR. GARCIA: That's the current TAPP
21 balance?

22 MR. NIETO: Uh-huh.

23 MR. QUINTANILLA: That's how much money
24 we've got left?

25 MR. NIETO: That's correct.

1 MR. QUINTANILLA: We can -- okay.

2 MR. NIETO: Understand that once we reach
3 that balance, any future requirements that you all may
4 have for reviews will have to submit a waiver and
5 requests for additional monies.

6 MR. QUINTANILLA: We've already done
7 that, Mr. Nieto. We've asked for a waiver, but they
8 said you've got to use all your money first.

9 MR. NIETO: Right.

10 MR. QUINTANILLA: So we're going to use
11 our money first. There's no if about this.

12 MR. NIETO: Right. Okay. And I
13 understand that.

14 MR. SILVAS: Who's the person that put
15 the budget update together?

16 MR. NIETO: A financial person in the
17 office.

18 MR. SILVAS: Who would that be?

19 MR. NIETO: We have -- her name is Jenny
20 McCuban (Phonetic).

21 MR. SILVAS: Now, here we go again. I
22 have to again voice concern that we're not forwarding
23 the information accurately enough for us to make an
24 informed decision; and I'm going to again say that this
25 has got to stop. As far as the balance goes, when we

1 applied for the waiver, as Mr. Quintanilla said we
2 already did, how does those allotments come in?

3 MR. NIETO: Whenever we have identified a
4 project -- once we use up the remaining balance, then we
5 identify a project that you would like to have reviewed.
6 At that point, we request per project, per amount for
7 that project.

8 MR. SILVAS: Okay. That's all I have.
9 Anybody else?

10 MR. GONZALEZ: I just have a follow up
11 question to that. Dan Gonzalez. Is there a period of
12 time that we can expect to elapse from the time that we
13 submit a waiver for a supplemental so to speak?

14 MR. NIETO: I don't know the period of
15 time. I would think that it's within the neighborhood
16 of 30 to 60 days from the time that we request it.

17 MR. GONZALEZ: And that request would
18 necessitate that a project be clearly identified and
19 presented for review, before it's submitted? Just
20 like --

21 MR. NIETO: Right. Exactly.

22 MS. LANDEZ: Ray, can you clarify to whom
23 the request would be submitted and who would have to
24 approve that request -- that waiver?

25 MR. NIETO: Yes. It would go to our

1 headquarters; and at that point, it goes through the
2 different reviews, and then our director at our
3 headquarters would approve that.

4 MR. GONZALEZ: Is it -- the request would
5 be prepared by your office, based on us initiating such
6 a review? Then justification would have to be developed
7 through your office, so to speak?

8 MR. NIETO: Right.

9 MR. GONZALEZ: And the wait -- or what
10 would be the concerns that the committee should
11 consider? Because I don't think it's an automatic.

12 MR. NIETO: No. First of all, there's
13 different criteria that is used. There's eligible
14 projects, and there are others that are ineligible.
15 Certainly reviews for any type of reviews for, like
16 we've been doing, are eligible; but anything else -- and
17 I have a listing of those eligible projects and
18 ineligible projects, and I can forward those to you.

19 MR. GONZALEZ: I think that would be
20 helpful for the committee. That way if we get to the
21 point where we want to do something, there's no sense in
22 trying to beat the door down, if we know it's an
23 ineligible project.

24 MR. NIETO: Right. Exactly.

25 MR. GONZALEZ: Help ourselves to make

1 better use of our time and your time as well. So I
2 think that would be helpful to us. And your staff has
3 the expertise to help us along with if it is an eligible
4 project, to develop, package and forward it. Thank you.
5 That's it for me.

6 MR. GARCIA: I have several comments.
7 First of all, I want it noted - this is Rodrigo Garcia.
8 I want it noted that we're spending this extra money --
9 TAPP money on this Semi-annual Status Report because
10 (inaudible) is not doing their job and doing executive
11 summaries in laymen's terms that we can understand on
12 that whole entire report. And I hold the AFRPA, and you
13 people, responsible for not forcing them to do the job
14 that they're paid to do. They're paid a lot of money to
15 do this job, and they're not doing it correctly, and
16 that's the fault of you people and the AFRPA people.

17 Second, I need for you and the AFRPA to
18 give us a status report on how we stand in getting on
19 our funding for our next round of TAPP money, where we
20 stand. We submitted -- done all the paperwork and
21 everything. After we spend this money, what's the
22 status on getting more money for TAPP?

23 Third, if you RAB members will notice --
24 and I've seen this TAPP -- I mean, I've seen this
25 Semi-annual Compliance Report. It's very detailed and

1 very involved, and I've noticed the difference in these
2 three bids. And if you look under technical review,
3 you'll see that Clearwater Revival has called for 50
4 hours, and I believe Clearwater Revival will do a better
5 job, because it takes about 40 to 50 hours to fully go
6 through that Semi-annual Compliance Report; and after
7 fully going through that Semi-annual Compliance Report,
8 to rewrite summaries and rewrite and do the layman's
9 term report so we can understand what's in that report.
10 That's why I support Credence Clearwater (sic), because
11 they have a much broader sense of responsibility and
12 must broader sense of what this project entails in
13 saying it's going to take 50 hours of technical review
14 in order to get this project done correctly.

15 You cannot sit down and read that whole -
16 what is it now; five volumes - five or six binder
17 volumes in 12 hours or do it in 30 hours. I don't think
18 that's possible. Coming from an engineering background,
19 and working on all type of engineering projects and
20 knowing a lot about compliance with EPA laws, and other
21 things like that, I don't think they can do it in 12 or
22 30. That's why I support Clearwater Revival, because 50
23 hours is more of a reasonable amount of time, in my
24 judgment, that it would take for some technical person
25 to fully review and transpose it down to what we want it

1 to be. That's it.

2 DR. SMITH: Other comments?

3 MR. QUINTANILLA: I beg your pardon?

4 DR. SMITH: I'm just asking for other
5 comments.

6 MR. QUINTANILLA: Yes, I have a further
7 comment. I just want to endorse what Rodrigo just said.
8 The purpose of asking a separate agency to come in and
9 review the documents and put it into language that we
10 can understand, that's what we're looking for. And when
11 you look at this document here, Geomatrix is only going
12 to spend 12 hours in reviewing. That's inadequate.
13 Neathery is going to spend 30 hours. That too is
14 inadequate because of the complexity of what we're
15 asking them to do. Here Clearwater is asking for 50,
16 and that's what we're looking for.

17 MR. GARCIA: And at a lower rate,
18 Armando.

19 MR. QUINTANILLA: I beg your pardon?

20 MR. GARCIA: At a lower rate. Look at
21 the rate.

22 MR. QUINTANILLA: At a lower rate, yes.
23 We're getting more bang for our buck.

24 MR. GARCIA: From Clearwater.

25 MR. QUINTANILLA: And I think we ought to

1 look at those figures and compare to the others. I've
2 looked at each on -- no one has ever done this before on
3 this type of report. You know, we've done a lot of
4 other things like corrective measure studies were done
5 by Clearwater for 6,375, and a zone four corrective
6 measure study was done by Geomatrix at 8,390. That sort
7 of thing. I think, you know, what we're getting here
8 from Clearwater for \$7,000 is well worth the money,
9 because he goes into detail. He finds out that hey,
10 your table here does not match, you know, what was
11 actually found over here. There's errors in there. And
12 again, once that report is made by him of all the errors
13 that are in the report, then TCEQ jumps in on it, and in
14 turn jumps on Kelly to correct those things. So we get
15 our full dollar from the contractor in the clean up.
16 This is what it's all about.

17 MR. NIETO: So you're saying, in effect,
18 that 50 hours needs to be spent on reviewing --

19 MR. QUINTANILLA: The document.

20 MR. NIETO: And that would be your
21 justification for going to a higher price?

22 MR. QUINTANILLA: Yes, sir.

23 MR. NIETO: If you noticed -- I want to
24 bring out another point. If you noticed on the Neathery
25 quote, he had five hours at 135. I asked him about

1 that, what that entailed; and he said that he's in
2 partnership with Dr. Chris Matherson, and he's the
3 Director of Texas A&M's Center for Engineering and
4 Geosciences; and that once he spends 30 hours reviewing
5 it, he would give it to him to make sure that he reviews
6 it also, making sure that the summary that he comes up
7 with is, in fact, correct and accurate.

8 MR. QUINTANILLA: The professor is
9 telling him, you know, these are the possibilities.
10 That is not all of it. That comes out to \$3,000, as I
11 see it here. Three thousand - six and four is ten -
12 \$3,075 compared to 3,754. And what are we going to get
13 again from this professor that's going to review it?
14 This has happened before to us. That professor is part
15 of his company.

16 MR. NIETO: I think he said he was a
17 partner.

18 MR. QUINTANILLA: Part of his company,
19 yes.

20 MR. NIETO: But he is also the Director
21 of the Texas A&M Center for Engineering and Geosciences.
22 That's why he said after he does review it, that he
23 gives it to him to make sure that his summary is
24 accurate and correct.

25 MR. QUINTANILLA: In other words, he's

1 getting a peer review?

2 MR. NIETO: Right.

3 MR. QUINTANILLA: And this is possibly
4 the only one of all the contractors that has a peer
5 review. His presentation, even with his peer reviews
6 and his findings, are exceeded in a great way by
7 Clearwater. Clearwater makes better presentations,
8 explains more and spends more time with us explaining
9 the different things -- the different findings, if you
10 analyze the reports; but again, you know, I have one
11 vote, Rodrigo has one vote and that's the justification
12 for it. Why do we need a peer review? We've already
13 had the contractor that does the work, it has cost
14 possibly the taxpayer - you, me and the others - several
15 hundred thousand dollars for that corrective measure
16 study on it; and then we're asking for someone to
17 explain that to us in words that we can understand, and
18 that's all that's happening. And for him to have a peer
19 review of \$675 at \$135 I think is unnecessary.

20 MR. GONZALEZ: I have one follow up
21 question on the cost: Did Clearwater provide
22 information for -- I notice that most of these are
23 capped in the number of hours by rate; but then
24 Clearwater has an additional dollar amount by the
25 preperformance meeting \$500, that does not reflect on

1 what -- what they're basing that on. And the oral
2 presentation \$500 and the presentation to the RAB \$500.

3 MR. QUINTANILLA: That's for travel.

4 MR. GONZALEZ: I just needed to know.

5 MR. QUINTANILLA: That's for travel.

6 MR. GONZALEZ: I'm asking --

7 MR. SILVAS: As he stated earlier, I
8 think he said these were prefixed numbers of costs that
9 were first given. So this is nothing that hasn't
10 been --

11 MR. NIETO: It's prepriced. The rates
12 are already prepriced in their contract. It's just the
13 number of hours that we were looking for.

14 MR. GONZALEZ: Okay.

15 MR. QUINTANILLA: Now, do these other
16 people add flying hours to their totals, like for
17 instance -- well, Neathery doesn't, they live here.

18 MR. NIETO: No, because he's local.
19 Yeah.

20 MR. QUINTANILLA: The only one is
21 Clearwater. Dr. Squibb also adds --

22 MR. NIETO: Yeah, she does, because she's
23 in Maryland. Geomatrix is in Austin, so apparently they
24 don't add any travel; but their rate is a little higher.

25 MR. GONZALEZ: So if you take out the

1 travel, we're looking at Clearwater's cost -- taking
2 that out, Clearwater's cost could be \$1,500 less, if
3 there was no travel. That's what I'm hearing is the
4 \$1,500 reflects travel cost?

5 MR. NIETO: I'm not sure. I didn't add
6 it, but there's that \$500. She didn't extend it out --
7 or he didn't extend it out, so I don't have a calculator
8 with me.

9 MR. QUINTANILLA: A previous report says
10 that he has gone in for extra money for travel, and
11 you'll see it in 2003, additional travel expenses for
12 presentation to RAB, \$500.

13 MR. SILVAS: That wasn't -- that was
14 because of weather and other events.

15 DR. SMITH: I think he had to make two
16 trips that time, didn't he?

17 MR. GONZALEZ: I just needed if that
18 extension is correct and if the \$500 are part of that;
19 because to me, if you pull those out to get a better
20 perspective on what the cost is and not bear that cost
21 in consideration, which is not really part of them doing
22 the review. It's just the fact that they have to
23 accommodate that cost to travel. So if that is the
24 case, there's not that much disparity between the cost,
25 which seems to be the case when you look at the bottom

1 number.

2 DR. SMITH: I think you're saying then
3 that the cost per work delivered is pretty much --

4 MR. GONZALEZ: Relative.

5 DR. SMITH: -- relatively close, and the
6 travel --

7 MR. GONZALEZ: Do these numbers actually
8 add up to 7,275 straight down?

9 DR. SMITH: I don't have that piece in
10 front of me.

11 MR. GONZALEZ: Does somebody have a
12 calculator?

13 MR. SHENEMAN: What do you want to run?

14 MR. GONZALEZ: I just want to make sure
15 that these numbers in the column there add up to 7,275.
16 In the morning --

17 MR. QUINTANILLA: I'm ready for a vote,
18 if it requires a vote.

19 MR. SILVAS: I think we need to press on,
20 as soon as he gets his confirmation.

21 DR. SMITH: It does if you bring those
22 \$500 over every time.

23 MR. GONZALEZ: So altogether, if you take
24 them out, then the total cost really is about 6,275?

25 DR. SMITH: Yeah.

1 MR. GONZALEZ: So it's pretty relative.

2 MR. SILVAS: Any last comments on this
3 issue, so we can go ahead and put this horse to rest?

4 DR. SMITH: Can I ask for just a vote on
5 it, so that Ray will have that done? I guess the
6 easiest way to do it is to simply go through -- let's
7 start with Clearwater. All in favor of Clearwater,
8 would you please raise your hand? I think that settles
9 the issue. We don't need to go a whole lot further.

10 MR. QUINTANILLA: It's unanimous.

11 DR. SMITH: Seven-zero. I'm trying to
12 give that to our -- Okay. Ray, is there anything else
13 that you're going to tell the folks?

14 MR. NIETO: No. I'm just going to put in
15 the award that because of the number of hours that he's
16 going to utilize to do the tech review, that would be
17 the justification.

18 MR. QUINTANILLA: That's the principle
19 thing.

20 MR. GARCIA: That's the principle thing
21 that I got --

22 MR. QUINTANILLA: Actually, we're
23 expecting a much more detailed report from him because
24 of the number of hours, and a much more comprehensive
25 summary.

1 MR. GARCIA: Comprehensive summary in
2 layman's terms, because of the amount of hours that he's
3 being paid for to do this.

4 DR. SMITH: Okay. All right.

5 MR. QUINTANILLA: The report preparation
6 also is four hours more than what the other people do.
7 That's what makes his reports good. He takes more time
8 to make a report.

9 MR. NIETO: Are you talking about that 12
10 hours?

11 MR. QUINTANILLA: Yes, sir. 12 hours
12 compared to eight by the others. We're getting more
13 bang for our dollars, that's all that I'm saying.

14 MR. GARCIA: We're getting a lower rate,
15 and we're getting a lot more hours for our dollar.

16 MR. SHENEMAN: We'll see what we get when
17 we get it.

18 DR. SMITH: Okay. It sounds like you're
19 pretty well satisfied with that; is that fair?

20 MR. GARCIA: At least that's one thing
21 we're satisfied with.

22 MR. QUINTANILLA: Mr. Nieto, we would
23 appreciate you coming back and telling us when we can go
24 in for the additional money.

25 MR. NIETO: Okay.

1 MR. QUINTANILLA: But it's going to be
2 for one project at a time; it's not going to be for
3 25,000 or 50,000 or 100,000 like before?

4 MR. NIETO: Once you identified the
5 project.

6 MR. SILVAS: When does the fiscal year
7 start?

8 MR. NIETO: 1 October.

9 MR. SILVAS: At that time, can we have a
10 choice of what contractors come to bid? Is that
11 possible?

12 MR. NIETO: You can select other
13 contractors, once -- you know, the RAB meeting, if you
14 want to go with a whole new slate of contractors, we can
15 go that route, if that's what you decide.

16 MR. SILVAS: Would you give us a list of
17 who's available for us to review, because we've had
18 difficulty --

19 MR. SHENEMAN: A complete list.

20 MR. GARCIA: A complete TAPP report.
21 That's what we need is a complete TAPP report on the
22 status on the funding and a list of contractors, when
23 our new funding is coming through, how much we're going
24 to get. There's a whole bunch of issues that we need.

25 MR. QUINTANILLA: The way this works, I

1 believe, you know, he asks -- he will come to us on this
2 thing and says do you all know of any contractors that
3 can do this or that he knows of, and says this is a list
4 of contractors that may be available, and then he sends
5 them all a note and then we vote on them. This is the
6 one we want; this is the one we don't want. Is that
7 correct, Mr. Nieto?

8 MR. NIETO: I can do that. If you know
9 of any, you can tell me; and if -- I also can put out a
10 notice asking for requests for information and asking if
11 anyone is interested and with these qualifications. We
12 have to develop a criteria of what qualifications we
13 want, and then I'll let them respond.

14 MR. QUINTANILLA: This goes both ways.
15 We'll give you a list and you go out there and request
16 some people.

17 MR. NIETO: Right.

18 MR. QUINTANILLA: okay.

19 DR. SMITH: Thank you so much, Ray.
20 Thank you for spending your time. I appreciate it. I
21 know you have to be on your way. Thank you for working
22 through that. You did a great job.

23 The next item on the agenda, per se, is
24 the tour.

25 MR. SILVAS: Before we do that, I would

1 like to make a simple statement, and I would like to
2 have this open and go on the record. I had a discussion
3 with the Public Affairs Office on Brooks regarding the
4 release of the ALL study. I had requested Adam and his
5 secretary get copies for us tonight. I assume it wasn't
6 done.

7 MS. DAWKINS: We don't have copies.

8 MR. SILVAS: That's not what I was told.
9 You all were sent a draft, so you all need to --

10 MS. DAWKINS: Pardon me?

11 MR. SILVAS: That you all were sent a
12 draft. However, the issue is we need to get that off
13 your website.

14 MS. DAWKINS: No, sir. In your packet,
15 Mr. Silvas, in your packet, sir, there's information on
16 where you can get a copy of that report and the office
17 that has it.

18 MR. SILVAS: I don't want to spend my
19 time and effort. I think you all should provide that to
20 the community.

21 MS. DAWKINS: The office is providing
22 that to the community.

23 MR. SILVAS: I'm asking your office.

24 MS. DAWKINS: Our office did not put that
25 report together. The Air Force Operational Health --

1 the Air Force Operational Health commissioned to do that
2 study along with a partnership with the ALS national
3 society and local society.

4 MR. SILVAS: Okay. This is not going to
5 go anywhere. I can see that already.

6 MR. QUINTANILLA: Just write a letter to
7 the --

8 MS. DAWKINS: Yes, sir. That's fine. In
9 order to get a copy of the report, sir, you have to ask
10 and file for the report.

11 MR. GARCIA: Robert, you know the AFRPA
12 is not going to provide any information for us at all.

13 MR. SILVAS: My next request, I would
14 like to file a formal complaint here today and have this
15 office look into the actions of the Public Affairs
16 Officer at Brooks. His name is Larry Worship.

17 MS. DAWKINS: Farlow.

18 MR. SILVAS: Farlow. That gentleman and
19 I had a heated conversation where he ended up calling me
20 a bastard --

21 MR. SHENEMAN: And you're not. I know
22 your parents.

23 MR. QUINTANILLA: Is he a PR man?

24 MR. SILVAS: And I would like your office
25 to look into it. Next, I want to ask you secondly, you

1 guys if you remember the May 10th meeting on the
2 radiation briefing, we had Mr. Shipman give that
3 presentation to us; however, there was audio given that
4 day from Mr. Smith's wife and his wife's co-workers.
5 Upon further discussion with Mr. Smith -- again, state
6 what you told me.

7 DR. SMITH: Number one, I was here on May
8 10th. Patty was here on March 8th, which is when the
9 meeting was. Number two, my understanding is that
10 meeting was, in fact -- there was a court reporter at
11 that particular meeting providing a transcript for that
12 meeting.

13 MS. DAWKINS: March or May?

14 DR. SMITH: This was March. I was here
15 in May; Patty was here in March, March the 8th, and that
16 was the Jack Shipman meeting; but that's beside the
17 point.

18 MR. SILVAS: Are you certain you were
19 there for the Jack Shipman meeting?

20 MS. LANDEZ: He has done two briefings.
21 I think in March and in May.

22 MR. SILVAS: No, he didn't.

23 MS. LANDEZ: No, he has done two
24 briefings.

25 MR. SILVAS: No, he didn't.

1 MR. QUINTANILLA: Can we look at an
2 agenda for both times? Is there an agenda available?

3 MR. SILVAS: Make that an item to forward
4 both of those in the mail to us.

5 MS. DAWKINS: The agendas for March and
6 May?

7 MR. QUINTANILLA: Yeah, TRS.

8 MS. DAWKINS: TRS?

9 MR. SILVAS: Furthermore, my last and
10 final statement here is, I'm disappointed not to see
11 anyone else from your office, Adam, Cordere. There's a
12 lot of issues here, and we're going on a tour that's
13 very critical.

14 MS. DAWKINS: Sonja Codere - and this is
15 for clarification. I'm sitting in for Sonja Cordere,
16 not Adam. We don't have a TRS co-chair. You
17 volunteered to be the chair of this committee, sir; but
18 we've never had a senior representative attend TRS
19 meetings on a regular basis. Never. Never.

20 MR. QUINTANILLA: Were you here when
21 Professor Lanay was here?

22 MS. DAWKINS: Yes, sir. I've been here
23 three years. I said on a regular basis, Mr.
24 Quintanilla.

25 MR. QUINTANILLA: At that time, Mr. Ryan

1 sat with us all the time.

2 MS. DAWKINS: Yes, sir. Mr. Ryan is not
3 the senior representative.

4 MR. QUINTANILLA: Excuse me. He came
5 before us at every meeting and said this is a list of
6 documents that you all should review, because that's our
7 job.

8 MS. DAWKINS: Yes, sir.

9 MR. QUINTANILLA: And we'd ask him, you
10 know, which -- tell us a little bit about it, and we
11 choose one for the staff to present us with; but it was
12 Mr. Ryan who was also the co-chair at that time.

13 MS. DAWKINS: Mr. Ryan was not the
14 co-chair. Mr. Quintanilla, Mr. Ryan was not the
15 co-chair. We have the Base Environmental Coordinator at
16 every single TRS --

17 MR. QUINTANILLA: He was here.

18 MS. DAWKINS: The Base Environmental
19 Coordinator is at every TRS; but the senior
20 representative and the environmental program manager is
21 not sir. They are not.

22 MR. GARCIA: Armando, you should no
23 better than to argue with these people.

24 MS. DAWKINS: Mr. Quintanilla, he was the
25 BEC at the time.

1 THE REPORTER: One at a time, please.

2 (Several people speaking at once.)

3 DR. SMITH: Guys, if you want to get this
4 picked up on the record you're going to have to just
5 speak one at a time.

6 MS. DAWKINS: For the record, the BEC is
7 always at the TRS. Mr. Ryan at that time was the BEC.
8 The BEC is here at every TRS. That's Norma Landez.

9 MR. QUINTANILLA: He speaks for Mr. Ryan.

10 MS. DAWKINS: No. No. No. She is the
11 Base Environmental Coordinator. Mr. Ryan held that
12 position back in the day. He moved up and Ms. Landez is
13 now in this position. She is here at every TRS.

14 MR. QUINTANILLA: No one has ever told us
15 that.

16 MS. DAWKINS: Well --

17 MR. QUINTANILLA: No one has ever told us
18 that.

19 MS. DAWKINS: Now you know.

20 MS. LANDEZ: I have been the person that
21 has been --

22 MR. QUINTANILLA: She has never said this
23 is a stack of documents that you've got to review.
24 These are the names of it.

25 MR. GARCIA: In fact, we've never gotten

1 any information.

2 MR. QUINTANILLA: We used to get it from
3 Mr. Ryan.

4 (Several people speaking at once.)

5 MS. DAWKINS: Ms. Codere is at a
6 community meeting at another neighborhood association.
7 That's why she's not here tonight, but she sends her
8 regards.

9 MR. QUINTANILLA: I understand she's very
10 busy.

11 MS. DAWKINS: Yes, sir. Are we ready for
12 the tour?

13 MR. QUINTANILLA: Apparently, you know,
14 we're second class --

15 MS. HANNAPEL: May I ask a question?

16 DR. SMITH: One last question.

17 MS. HANNAPEL: I'm very sorry that I was
18 late; I was delayed at work. Was this vote done? I'm
19 sorry, I didn't hear you. The vote was done on the
20 contractor?

21 DR. SMITH: Yes.

22 MS. HANNAPEL: And the --

23 MR. SHENEMAN: Clearwater.

24 MS. HANNAPEL: Clearwater? Okay. I will
25 not be able to go on the tour.

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MR. SILVAS: I'm sorry?

MS. HANNAPEL: I will not be able to go
on the tour.

DR. SMITH: Okay. We probably better
move you to the bus kind of quickly, or we'll run out of
daylight.

(Proceedings concluded.)

1 THE STATE OF TEXAS |

2 COUNTY OF BEXAR |

3

4 I, Randall E. Simpson, Certified Shorthand
5 Reporter, do hereby certify that the above and foregoing
6 typewritten pages contain a full, true, and correct
7 transcription of my shorthand notes taken upon the
8 occasion set forth in the caption hereof, by means of
9 computer aided transcription.

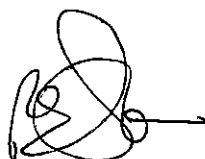
10 I further certify that this Statement of Facts
11 truly and correctly reflects the exhibits offered by the
12 respective parties, if any.

13 Witness my hand, this 22nd day of September,
14 2005.

15

16

17



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