

**MINUTES  
OF THE NEW BRAUNFELS CIVIL SERVICE COMMISSION  
MEETING OF MARCH 19, 2018**

The Civil Service Commission of the City of New Braunfels, Texas, convened on March 19, 2018, in the 1845 Executive Conference Room of the New Braunfels City Hall Building.

**Commissioners present were:** Chairperson Paul Ericksen; Vice-Chairperson Castilleja and Commissioner Heidi Aleman

**City Staff and others present were:** Jared Werner, Human Resources/Civil Service Director; Becca Mears, Human Resources/Civil Service Manager; Lori Stidham, Human Resources Associate/Civil Service Associate; Val Acevedo, City Attorney; Tom Wibert, Police Chief; Joe Vargas, Assistant Police Chief; Mike Penshorn, Police Captain; John McDonald, Police Captain; Jacob Pullen, Police Lieutenant; Tom Scheuermann, Police Sergeant; David Cantu, Police Sergeant; Sabrina Gonzales, Administrative Assistant; Nathan Brown, Assistant City Attorney; Bettye Lynn, Attorney; Charles Frigerio, Attorney; Peter Gostomski, Attorney; and Leslie Bettice, Police Officer.

The meeting was called to order by Chairperson Ericksen at 12:03 p.m. in the 1845 Executive Conference Room in the City of New Braunfels City Hall Building.

**INDIVIDUAL ITEMS FOR CONSIDERATION:**

**1. APPROVAL OF MINUTES FROM THE MEETING ON MARCH 9, 2018.**

Vice-Chairperson Castilleja made motion to approve; Chairperson Ericksen seconded the motion, which was unanimously approved.

**2. EXECUTIVE SESSION-** The Commission may retire to an Executive Session on any agenda item as provided under Chapter 551.074 (personnel matters) and 551.071 (consultation with attorney concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct) of the Texas Government Code and/or Section 143.053(d) of the Texas Local Government Code, as applicable.

Should any final decision, or final vote be required in the opinion of the members of the Civil Service Commission, with regard to any matter considered in such closed or executive meeting or session, then the final act, final decision, or final vote shall be either: a) In the open meeting covered by the notice upon the reconvening of the public meeting, or b) At a subsequent public meeting of the Civil Service Commission upon notice thereof, as the Commission shall determine.

Chairperson Ericksen announced that the Commission would be retiring into Executive Session.

The Civil Service Commission, Chairperson Ericksen and Vice-Chairperson Castilleja retired into Executive Session to consult with Attorney Bettye Lynn; Civil Service Director Jared Werner; Human Resources Manager Becca Mears and Human Resources Associate Lori Stidham at 12:04 PM.

The Civil Service Commission reconvened in open session at 12.36 PM.

**3. APPEAL BY POLICE OFFICER LESLIE BETTICE IN ACCORDANCE WITH CHAPTER 143 OF THE TEXAS LOCAL GOVERNMENT CODE.**

Chairperson Ericksen asked if counsel is ready to proceed and reminded both parties of the procedures of the hearing and that there will be a two-hour limit to hear testimonies from both parties.

Chairperson Ericksen announced that Civil Service Director Jared Werner and Human Resources Manager Becca Mears would be time keepers, tracking the two-hour limit for both parties.

Chairperson Ericksen asked the counsel if there were any objections to the document exhibits used in the hearing.

Attorney Peter Gostomski stated he no objections to any of the documents presented by the City; with the exception of hearsay within the documents.

Attorney Charles Frigerio stated he had no objections.

Attorney Gostomski stated he had a timeline as his only exhibit.

Chairperson Ericksen announced the first order of business will be to hear opening statements from both parties.

Chairperson Ericksen asked both parties if there are any procedural or other matters they wish to address.

Attorney Gostomski asked about the witnesses regarding the rule to invoke.

All witnesses were administered the oath.

Chairperson Ericksen asked all witnesses to wait in the designated room until called upon.

Chairperson Ericksen asked if all witnesses had been sworn in.

Attorney Frigerio made his opening statement for the City.

Attorney Gostomski presented his opening statement to the Commission.

The City called its first witness, Officer David Cantu.

Attorney Gostomski cross-examined the witness.

Attorney Frigerio re-directed questions to Officer David Cantu.

Chairperson Ericksen asked Officer David Cantu to explain what a Brady violation is.

The City called its next witness, Assistant Police Chief, Joe Vargas.

Attorney Gostomski then cross-examined the witness.

The City called his next witness, Police Chief Tom Wibert.

Attorney Gostomski cross-examined the witness.

Chairperson Ericksen called for a ten-minute recess at 2:31 PM.

Chairperson Ericksen announced resume session at 2:54 PM.

The City rested its case.

Attorney Gostomski called Officer Leslie Bettice as a witness.

Attorney Frigerio cross-examined the witness.

Attorney Gostomski rested the appellant's case.

The City had no rebuttal.

Chairperson Ericksen announced hearing of the closing statements from both parties.

Attorney Frigerio and Attorney Gostomski both presented their closing statements to the Commission.

Chairperson Ericksen announced that the hearing is now closed.

4. EXECUTIVE SESSION- The Commission may retire to an Executive Session on any agenda item as provided under Chapter 551.074 (personnel matters) and 551.071 (consultation with attorney concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct) of the Texas Government Code and/or Section 143.053(d) of the Texas Local Government Code, as applicable.

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The Civil Service Commission, Chairperson Ericksen, Vice-Chairperson Castilleja and Commissioner Aleman retired into Executive Session with its Attorney Bettye Lynn; Civil Service Director Jared Werner; Human Resources Manager Becca Miers and Human Resources Associate Lori Stidham at 3:42 PM.

5. APPEAL BY POLICE OFFICER LESLIE BETTICE.

The Civil Service Commission reconvened in open session at 4:33 PM.

Chairperson Ericksen announced no action was taken during Executive Session.

Chairperson Ericksen asked for a motion.

Vice-Chairperson Castilleja made a motion that the charges were true and to uphold the indefinite suspension of Officer Leslie Bettice.

Commissioner Aleman seconded the motion, which was unanimously approved.

Chairperson Ericksen asked for a recess, so the Civil Service Director Jared Werner could prepare an Order for signatures. All Commissioners signed the Order.

Chairperson Ericksen announced that copies of the Order were provided to both counsel and parties.

**ADJOURNMENT:** Meeting adjourned at 4:45 p.m.

Date Approved: April 25, 2018

Paul Ericksen  
Commission Member

Heidi Aleman  
Commission Member

Attest:

Lori Stidham  
Lori Stidham Recording Secretary